

# COMPANIES AND ORGANIZATIONS

## CO6 – Pima County Natural Resources Conservation District

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Pima Natural Resource Conservation District  
NRCS Plant Materials Center  
3241 N. Romero Road, Tucson, AZ 85705

December 16, 2013

To: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

*Re: Docket Nos. CP13-73-000 and CP13-74-000, Sierrita Lateral Project*

Madame Secretary,

The Pima Natural Resources Conservation District (PNRCD) herein provides comment on the Draft Environmental Impacts Statement for the proposed Sierrita Pipeline (Docket Nos. CP13-73-000 and CP13-74-000, Sierrita Lateral Project ) (DEIS) and provides detailed commentary in this letter following my signature.

The mission of the PNRCD, as defined in the Arizona Revised Statutes (A.R.S. §37-1001) as follows:

To provide for:

- Restoration and conservation of lands and soil resources,
- Preservation of water rights,
- Control and prevention of soil erosion;

and thereby:

- conserve natural resources, conserve wildlife, protect the tax base, protect public lands, protect and restore the state's rivers, streams and associated riparian habitats including fish and wildlife dependent on those habitats;
- in such manner to protect and promote public health, public safety, and the general public welfare.

The Pima NRCD is an organization of voluntary cooperators who own or control land and are committed to conservation. The Pima NRCD geographically encompasses all of Pima County excluding the lands of the Tohono O'Odham Nation. As shown in attachment, a University of Arizona study has determined that agriculture within the

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District boundaries contributes an annual economic impact of more than \$240 million. The majority of this production occurs within the Altar Valley.

- CO6-1 | The Pima NRCD supports, endorses and defers to all comments submitted by the Altar Valley Conservation Alliance per Docket Nos. CP13-73-000 and CP13-74-000, Sierrita Lateral Project.
- CO6-2 | The Pima NRCD demands the Secretary of the Federal Energy and Regulatory Commission (Secretary) select the No Action Alternative.
- CO6-3 | As shown following this cover letter, the Pima NRCD reviewed the DEIS for the proposed Sierrita Pipeline and determined that it is incomplete in its present state and thereby denies the public adequate participation in the comment process. The DEIS
- CO6-4 | inappropriately rushes the permitting process towards a decision founded on inadequate and in many parts, inaccurate and even defamatory claims.
- CO6-5 | Furthermore we have determined that only one alternative has been investigated in any detail. The only two alternatives The Federal Energy and Regulatory Commission (FERC) seriously examined are the West alternative route that promises to create a new smuggling and potential future enemy invasion expressway through the middle of the valley, and the No Action alternative. The Pima NRCD therefore supports the No Action Alternative as it represents the only legal alternative for FERC to choose at this time.
- CO6-6 | In addition to, and even greater than our mutual concern with the environmental impacts that the Altar Valley Conservation Alliance's comments address in great detail, is our concern that the proposed route would permanently facilitate significantly increased proximity and contact between violent criminals and the Pima NRCD's rural cooperators, endangering our cooperators' lives.
- CO6-7 | We find that the DEIS ignores the latest U.S. Fish and Wildlife Service findings regarding the positive or neutral effects of controlled livestock grazing management in the Altar Valley on listed threatened and endangered species including the Sonoran desert tortoise, Chiricahua leopard frog and the Mexican garter snake. Instead, the DEIS relies entirely on outdated, irrelevant and inaccurate literature that is very clearly biased against controlled livestock grazing by presuming all grazing is uncontrolled, unmanaged grazing.
- Moreover, the DEIS is politically and unjustifiably biased against current, well-managed, controlled livestock grazing practices ongoing in the Altar Valley. As such, the DEIS is filled with scientifically unfounded accusations against all livestock grazing, including ongoing controlled grazing in the Altar Valley, mischaracterizes and misconstrues legal ownership of water rights, ignores the best available science on the ecological interactions of livestock with endangered species and rangeland and riparian health, is self-contradictory with regard to the interactions of controlled livestock grazing and endangered species, makes false statements regarding present ecological conditions while ignoring the best available science, selectively relies on information with a common

- CO6-1 | The NRCD's comment supporting the AVCA's comments is noted.
- CO6-2 | The commenter's preference for the No Action Alternative is noted.
- CO6-3 | See responses to comments PM1-3 and NAT4-3.
- CO6-4 | The NRCD's comment regarding the permitting process is noted. See response to comment CO6-3.
- CO6-5 | The commenter's preference for the No Action Alternative is noted. See response to comment PM1-6.
- CO6-6 | Section 4.9 acknowledges that the Altar Valley is already used by human traffickers, narcotic traffickers, and undocumented immigrants to access Tucson and areas to the north, west, and east. The EIS also acknowledges that the proposed pipeline right-of-way could increase or refocus illegal activities and crime along the foothills and thus could bring them closer to residences.
- The EIS identifies Sierrita's proposed restoration measures to deter use of the right-of-way following construction.
- Regardless of any Project-specific impact on illegal traffic, the U.S. Border Patrol has stated that it would adapt to the situation and plan against any detected activity resulting from the construction and operation of the Project.
- CO6-7 | The FWS participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.7 was developed with the assistance of the AESO of the FWS and represents the agency's current stance on Project-related impacts and proposed mitigation measures to avoid or reduce impacts on federally listed species.
- Also see response to comment PM1-7
- Additional information is provided in response to more detailed comments listed below.

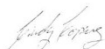


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CO6-7  
(cont'd) negative bias against well-managed, controlled livestock grazing while ignoring any and all peer-reviewed scientific studies showing the opposite, and therefore is arbitrary, capricious and unlawful and must be immediately withdrawn.

Sincerely,



Cynthia P. Copping  
Chairman, Pima Natural Resources Conservation District

CO6-8 *The DEIS promotes direct endangerment of the health and safety of U.S. citizens including Pima NRCD cooperators while defaming the good reputation of the same community the proposed pipeline project would most directly harm.*

Page 2-22: Here, the DEIS promises that a roadway accessible to illegal traffic will be maintained in an accessible condition indefinitely.

### **2.6.1.2 Right-of-Way Maintenance**

In addition to the survey, inspection, and repair activities described above, operation of the pipeline would include maintenance of the right-of-way. The right-of-way would be allowed to revegetate after restoration; however, larger shrubs and brush may be periodically removed near the pipeline. The frequency of the vegetation maintenance would depend upon the vegetation growth rate. Sierrita has indicated that it would not need to maintain vegetation (i.e., mow) within the 50-foot-wide permanent right-of-way in most land uses types. However, in accordance with Sierrita's Plan, routine vegetation maintenance clearing of the permanent right-of-way is allowed but would not be done more frequently than every 3 years. To facilitate periodic corrosion and leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be maintained annually in an herbaceous state.

The southern Arizona agricultural community has already suffered and continues to suffer the burning sting of the senseless murder of one of our own, Robert Krentz, by a person he identified as an illegal alien with his last words heard over a radio transmission. (Cochise County Sheriff's Office, 2010)<sup>1</sup> The murderer, who also shot Krentz's dog, left behind Mr. Krentz to bleed to death, the dog to be found alive 12 hours later with a broken spine, and a trail of footprints leading into Mexico.

At the time of his murder on March 27, 2010, Mr. Krentz was serving as the chairman of the Whitewater Draw Natural Resources Conservation District, a District whose

<sup>1</sup> <http://borderreporter.com/2010/03/the-mystery-of-the-murdered-rancher/> Accessed December 15, 2013.

CO6-8

As discussed in section 4.9.2, Sierrita proposed several restoration measures to deter use of the right-of-way following construction. Sierrita would not create nor maintain a road for its use along the permanent right-of-way. The EIS does not suggest that illegal activities would be eliminated to zero based on U.S. Border Patrol's activities or Sierrita's proposed mitigation measures to deter unauthorized use of the right-of-way. We instead acknowledge that while the proposed mitigation measures may help to deter some vehicular traffic, they may not completely deter off-road vehicle use or pedestrian traffic along the right-of-way.

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conservation efforts, results and achievements are negatively misrepresented within this DEIS.

We also inform FERC of the murder of U.S. Border Patrol BORTAC Agent Brian Terry, who was gunned down by the illegal alien criminals in the Atascosa Mountains that geologically border the Altar Valley. To make matters even worse, the U.S. Government illegally armed the very people who murdered Brian Terry, ICE agent Zapata (after he had interdicted some 80 "Fast and Furious" program weapons that were headed for our southern border)<sup>2</sup> and at least 300 additional persons in Mexico.<sup>3</sup> The U.S. Government in an illegal operation named, "Fast and Furious," knowingly and illegally delivered more than 2,000 high-powered firearms to prohibited buyers, prohibited possessors and the most violent drug cartel in the history of this hemisphere. That cartel is responsible for literally tens of thousands of murders in northern Mexico over the last four years.

The vast majority of those weapons continue in use to this day, many of which, no doubt, are currently present in the Altar Valley, in the hands of violent criminals. We further inform FERC of the recent murders of numerous Mexican border ranchers who once were next-door neighbors to our own border ranchers, whose ranches are still separated by just a four-strand barbed wire fence. The deceased were found in shallow graves, if found at all. They and other Mexican border ranchers who chose "plata sobre ploma" (silver over lead) offers left behind borderland ranches that are now controlled by drug cartels. Those lands are still separated from the Altar Valley by just a four-strand barbed wire fence. Exacerbating this situation are 18' tall pedestrian fencing bordering the Buenos Aires National Wildlife Refuge and the Yuma area, with nothing but a 4-strand barbed wire fence separating the agricultural lands in the Altar Valley from Mexico. Existing border infrastructure serves to funnel illegal traffic directly into the Altar Valley. The creation of a new north-south roadway as a result of the pipeline trench would only serve to significantly exacerbate the presently unacceptable situation even more. In fact, large groups of as many as 26 persons intending to illegally cross the border have already been observed traveling up the pipeline route that is presently under construction in Mexico.<sup>4</sup>

Criminal cartels are presently engaged in drug trafficking, rape and murder in the Altar Valley, as proven by the audio recordings of Border Patrol radio traffic posted on the website [http://secureborderintel.org/arizona\\_audio.html](http://secureborderintel.org/arizona_audio.html). (Accessed December 15, 2013). Most of this radio conversation is due to illegal activity within the Altar Valley. There is

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<sup>2</sup> <http://www.examiner.com/article/damaging-new-evidence-contradicts-government-agencies-fast-and-furious-murder> Accessed December 15, 2013.

<sup>3</sup> <http://dailycaller.com/2012/03/16/issa-similarities-between-fast-and-furious-sale-of-texas-guns-that-killed-ice-agent-jaime-zapata/> Accessed December 15, 2013

<sup>4</sup> personal communication December 12, 2013. (to protect the personal safety of the observer, this person shall remain anonymous)

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also a recent history in the valley and across southern Arizona of violent “rip crews” and deadly competition between cartels over trafficking routes. (Banks, 2007)<sup>5</sup>, (Doan, 2012)<sup>6</sup> In addition, the Secureborderintel.org website documents law enforcement incidents with armed smugglers, some of which are armed with IEDs. Between February 9, 2012 and May 28, 2013, the site documented 84 incidents in southern Arizona involving smuggling groups with weapons and/or homicides.<sup>7</sup> The Pima NRCD has no doubt the proposed pipeline route would become a premium contraband trafficking route facilitating easy access between the Mexican border and Arizona highway 85 that connects with Interstate 10.

*The following are examples, but not necessarily a comprehensive list, of missing information that is necessary but unavailable to complete the DEIS:*

CO6-9 Page 2-5: Sierrita has not yet provided FERC with requested information.

“Specific to access road AR-26A, the BANWR has indicated that it has requested that Sierrita identify an alternative access road at this general location due to concerns about the road’s existing conditions and ability to accommodate construction equipment. Therefore, access road AR-26A may no longer be needed for construction access and/or may be replaced by another access road. Until Sierrita files revised access road information, we have included access road AR-26A as part of the Project.”

CO6-10 Page 2-8: Access roads to be used within BANWR are yet to be determined.

“Several roads managed by multiple entities are located wholly or partially within the BANWR and are owned by the FWS. While the entity (e.g., Pima County) may have a lease from the FWS, the FWS would ultimately decide whether to authorize Sierrita’s use and proposed modifications of these roads. See footnote d. Widening of some roads would be required to accommodate construction equipment and stringing trucks. Following construction, Sierrita would recontour the areas outside the original road footprint and

<sup>5</sup> Banks, Leo. Following the Amnesty Trail. *Tucson Weekly*, February 15, 2007  
<http://www.tucsonweekly.com/tucson/following-the-amnesty-trail/Content?oid=1086828>  
Accessed December 15, 2013

<sup>6</sup> Doan, Claire. Immigration & Customs Enforcement: Rip Crews a Growing Problem in Arizona. KOLD K-GUN 9 News. April 10, 2012. <http://www.jrn.com/kgun9/news/146916205.html> Accessed December 15, 2013

<sup>7</sup> [http://www.secureborderintel.org/BorderBlotter/Weapon\\_Involved\\_Incidents\\_060113.pdf](http://www.secureborderintel.org/BorderBlotter/Weapon_Involved_Incidents_060113.pdf) Accessed December 15, 2013

CO6-9 Since issuance of the draft EIS, Sierrita clarified that it would not require the use of a portion of access road AR-26A during construction. It is the BANWR’s ultimate decision whether to permit and allow the use of the access road on the BANWR.

CO6-10 As discussed in section 4.8.2.1, if modification and use of the roads are found not appropriate by the BANWR Refuge Manager or are not compatible, Sierrita would access its construction right-of-way via other existing roads and temporarily use the right-of-way for access during construction. The impacts associated with use of the right-of-way as a temporary access road during construction would then be the same as those associated with the construction right-of-way.

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CO6-10  
(cont'd) | seed disturbed areas with an appropriate seed mix unless otherwise requested by the landowner or land-managing agency.

No land would be required for access roads during operation of the Project. Access road would cross the BANWR and is subject to FWS approval for its use."

CO6-11 | Pages 2-16 to 2-17: Sierrita has not filed the results of its geotechnical investigation at the proposed CAP Canal HDD crossing.

"Sierrita has a prepared site-specific plan for the CAP Canal HDD crossing (see appendix K). Geotechnical investigations of the CAP Canal are underway and Sierrita is working with the appropriate CAP Canal and Pima County engineers to finalize the site-specific crossing plans, including the size and location of all temporary staging areas and access pathways, once the necessary geotechnical studies are completed. Sierrita has not yet filed the results of its geotechnical investigations for the CAP Canal and, therefore, we have recommended in section 4.3.2.6 that Sierrita file the results of its geotechnical investigation at the proposed CAP Canal HDD crossing. Section 4.3.2.6 provides additional discussion about the CAP Canal site-specific crossing plan."

CO6-12 | Page 4-34: Locations of sensitive ephemeral washes <5 feet deep have not been identified

"Sierrita has been consulting with the Pima County RFCD regarding ephemeral wash crossings and would adjust the pipeline depth at wash crossings based on a more detailed site-specific scour analysis, which is currently in progress. In ephemeral washes, trench depths would range from 6 to 12 feet deep to provide additional cover above the pipeline and prevent scour, as the channels are highly erodible. Sierrita indicated that it would reduce the construction workspace to 75 feet for ephemeral washes that are 5 feet deep or less, have a scour burial depth of 5 feet or less, and have a building setback of 25 feet or less. The locations of these areas have not yet been identified. However, Sierrita indicated that, based on the initial results of its analysis, the required workspace areas for wash crossings and their respective acreage impacts on associated riparian areas are generally consistent with information already filed with the FERC and discussed in this draft EIS."

CO6-13 | Page ES-4 and Page 5-2: Sierrita has not identified how it would protect topsoil during construction.

6

CO6-11 | Section 4.3.2.6 has been updated. Since issuance of the draft EIS, Sierrita completed and filed a Geotechnical Exploration Report that summarizes the geotechnical investigation activities proposed at the CAP Canal.

CO6-12 | Sections 4.3.2.2 and 4.4.8.2 have been updated. Since issuance of the draft EIS, Sierrita completed the Scour and Lateral Bank Migration Analysis in coordination with the Pima County RFCD.

CO6-13 | Since issuance of the draft EIS, Sierrita addressed our comments to further protect topsoil piles from heavy rain, flash flooding, and wind erosion during construction in the monsoon season between June 15 and September 30, as noted in Sierrita's revised Plan. Section 4.2.4 has been updated to include this information.

Z-321

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-13  
(cont'd)

"We also are recommending that Sierrita identify how it would protect topsoil during construction, which would be susceptible to erosion during heavy rains or flash flooding and from wind."

CO6-14

Page ES-4: Results of geotechnical information on waterbody crossings have yet to be filed.

"The pipeline would cross one perennial and 206 ephemeral waterbodies. The perennial waterbody, the Central Arizona Project (CAP) Canal, would be crossed using the horizontal directional drill (HDD) method. **Because it has not been filed**, we are recommending that Sierrita provide the results of its geotechnical investigation at the CAP Canal crossing. Our analysis would be included in the final EIS."

CO6-15

Page ES-4: Ephemeral washes upstream of livestock tanks have not been identified.

Because certain ephemeral washes are connected to and upstream of a wildlife/livestock tank that would most likely support the federally threatened Chiricahua leopard frog and proposed northern Mexican gartersnake during monsoon season rainfalls, we are recommending that Sierrita provide a table listing by milepost ephemeral washes crossed by the Project that are also connected to and upstream of a wildlife/livestock tank. The Project would not affect wetlands.

CO6-16

Page ES-4: Vegetation seeding and monitoring plan is inadequate and impacts on survivability of AZ protected plants have not been identified or addressed.

"Sierrita would construct, restore, revegetate, and monitor the right-of-way in accordance with its Plan, Procedures, *Reclamation Plan*, and *Post-Construction Vegetation Monitoring Document* to minimize impacts on vegetation. We are recommending that Sierrita revise and file its *Reclamation Plan* to include and/or clarify information regarding seeding, vegetation monitoring, and survivability of saguaro cactus and Palmer's agave."

CO6-17

Page ES-5: Right-of-way widths and site-specific information have not been adequately identified.

"Sierrita would minimize impacts on riparian vegetation at Brown Wash, which is included within the area that has been proposed as jaguar critical habitat by crossing the area using a specialized method to reduce the construction right-of-way width to 75 feet. We are recommending that Sierrita provide site-specific justifications for where it would require ATWS less than 50 feet from

CO6-14

See response to comment CO6-11.

CO6-15

Section 4.3.2.6 has been updated. Since issuance of the draft EIS, Sierrita provided the locations of ephemeral washes crossed by the Project that are also connected to and upstream of a livestock tank, which clarifies the ephemeral washes that are associated with federally listed or proposed species that rely on ephemeral washes and livestock tanks. Appendix S of the final EIS lists the dry ephemeral washes that are connected to and upstream of a livestock tank.

CO6-16

Section 4.4.8.2 has been updated. In response to our recommendations in the draft EIS, Sierrita revised its *Reclamation Plan* and *Post-Construction Vegetation Monitoring Document* to clarify seeding mixtures, rates, and time periods based on the seeding method it would adopt at various locations along the route. In addition, since issuance of the draft EIS, Sierrita provided a revised *Post-Construction Vegetation Monitoring Document* that clarifies several recommendations we made on the plan in the draft EIS. Sierrita's revised *Reclamation Plan* and *Post-Construction Vegetation Monitoring Document* are included as appendices of the final EIS.

CO6-17

See response to comment CO6-12.

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CO6-17  
(cont'd) wash crossings and in riparian areas, and where it would require more than 75 feet of construction right-of-way at wash crossings and riparian areas."

CO6-18 Page ES-5: DEIS lacks information on how Sierrita will restore the vegetation over the trench cut or discourage use of vehicles.

CO6-19 We are recommending that Sierrita describe how it would implement noxious weed control and vegetation monitoring and maintenance in areas that have been restored to discourage the use of vehicles.

CO6-20 Page ES-6: No plan to protect the Pima Pineapple Cactus exists.

For the Pima pineapple cactus, we are recommending that Sierrita not begin construction of the Project until it files a plan developed with the FWS that details the methods it would implement to transplant and monitor Pima pineapple cacti that would be directly impacted by construction and FERC staff completes formal consultation with the FWS.

CO6-21 Page ES-7: Impact on human safety has not been adequately analyzed and evaluated, and no plan has been submitted to offset the increases of illegal immigration the pipeline will facilitate through the valley. This matter is directly related to human safety of local citizens including but not limited to Pima NRCD cooperators. Moreover, we adamantly disagree that objective criteria does not exist to evaluate smuggling impacts. Quantitative incident statistics from the Border Patrol and other law enforcement agencies dealing with border crimes do exist and represent objective criteria. Incident rates on existing natural gas right-of-ways in southern Arizona must be evaluated as a percentage of overall incident data. This comparison currently is lacking in the DEIS.

"We do not have any objective criteria to determine the level of significance of a project's effect on or contributing to illegal activities. We acknowledge that the Project could provide a new pathway for existing illegal activity within the Altar Valley. . .

We are recommending that Sierrita file a write-up describing the criteria for and sequential timing of each type of restoration measure to be installed following construction. We are also recommending that Sierrita provide a statement documenting its consultations with CBP and other applicable law enforcement agencies regarding its *Right-of-Way, Security, and Access Control Plan*."

CO6-18 See response to comment SA6-15.

CO6-19 Sierrita committed to revising its *Noxious Weed Control Plan* to describe noxious weed control measures in areas that have been restored to discourage the use of vehicles.

CO6-20 Section 4.7.1.5 has been updated. Sierrita consulted with the FWS to develop an approach for transplanting and monitoring Pima pineapple cacti.

CO6-21 Sections 4.13.1, 4.13.2, and 4.13.3 address pipeline construction and operation safety standards, pipeline accident data, and impacts on public safety, respectively.

As discussed in section 4.9.2, Sierrita proposed several restoration measures to deter use of the right-of-way following construction. Sierrita would not create nor maintain a road for its use along the permanent right-of-way. The EIS acknowledges that the proposed mitigation measures may not completely deter off-road vehicle use or pedestrian traffic along the right-of-way, but they may help to deter vehicular traffic. Regardless of any Project-specific impact on illegal traffic, the U.S. Border Patrol has stated that it would adapt to the situation and plan against any detected activity resulting from the construction and operation of the Project.

The CBP has indicated to FERC that specific information and statistical data to include crime statistics and incident locations are non-public and, therefore, we would be unable to disclose this information in the EIS. If a commenter desires this information, it can be requested from the U.S. Border Patrol directly by following that agency's procedures for requesting non-public information. Generally speaking, the CBP has indicated to FERC that it neither captures nor records statistical or incident data specific to any pipelines.

The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.

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CO6-22 | Page ES-8: Historic site surveys and reports are incomplete. Historic sites include historic ranching sites and artifacts that are important to the heritage of Pima NRCD cooperators.

The review process under section 106 of the NHPA is not yet complete. To ensure that the FERC's responsibilities under the NHPA are met, we are recommending that no construction activities begin until all required surveys are completed, reports and any necessary treatment plans are reviewed, and the appropriate consultations are completed.

CO6-23 | Page 2-2: Sierrita's justifications for certain dry wash crossings are currently unavailable. 2.2.1 Pipeline Right-of-Way

"Sierrita would use a 100-foot-wide construction right-of-way for a majority of the proposed pipeline. Sierrita would reduce the construction right-of-way width to 75 feet at a specific dry wash crossing, as discussed further in section 2.3.2.2. We have additionally recommended that Sierrita provide site-specific justifications for dry wash crossings requiring a greater than 75-foot-wide right-of-way, as discussed further in section 4.4.8.2.

CO6-24 | Page ES-6: FERC has determined the project is unlikely to harm the Mexican garter snake but states on Page 4-123 that Sierrita has done no surveys for Mexican gartersnake. In the absence of survey data this determination is wishful thinking at best.

No species-specific surveys have been conducted by Sierrita for the northern Mexican gartersnake; however, suitable habitat for this species exists within the general Project area in the form of wildlife/livestock tanks, which may also support preferred prey species.

CO6-25 | In addition, the Tohono O'odham Nation has officially filed a request of extension of time on the DEIS because historic and archaeological surveys have yet to be conducted on tribal ancestral grounds that will be disturbed by the connecting pipeline in Mexico. We endorse their request. As an "equal opportunity" organization we recognize there may be current and/or potential Pima NRCD cooperators whose ancestry and/or cultural heritage are directly tied to those yet-to-be-surveyed historical and archaeological sites.

CO6-26 | Page 5-2: Protective measures are not identified.

Protective and Sierrita proposed modifications to our Plan and Procedures that would exclude the use of several protective and restoration measures at ephemeral washes because these features are anticipated to be dry at the time of crossing. However, we believe that some of Sierrita's proposed modifications could result in adverse impacts on federally listed species at some ephemeral washes during monsoon season rainfalls and **are recommending**

CO6-22 | Sierrita's cultural resources surveys, as discussed in section 4.11, include identification investigations for historic period sites.

CO6-23 | See response to comment CO6-17.

CO6-24 | See response to comment CO5-127.

CO6-25 | The NRCD's comment regarding extending the draft EIS comment period is noted.

CO6-26 | Section 4.3.2.4 has been updated. Since issuance of the draft EIS, Sierrita addressed the FERC staff's comments to adopt several construction measures in its Plan and Procedures to further protect federally listed or proposed species that may use ephemeral washes as movement corridors when the washes are temporarily inundated with rainfall during the summer monsoon season. We reviewed Sierrita's revised Plan and Procedures and find them acceptable.



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CO6-26  
(cont'd)

CO6-27

**that Sierrita adopt several measures** as part of its Plan and Procedures to avoid these impacts. We also are recommending that Sierrita identify how it would protect topsoil during construction, which would be susceptible to erosion during heavy rains or flash flooding and from wind.

CO6-28

Page 4-123: The DEIS is incomplete because Sierrita has not identified ephemeral washes that are upstream of livestock tanks.

“... we have recommended in section 4.3.2.6 that Sierrita identify ephemeral washes in the Project area that are connected to and upstream of wildlife/livestock tanks.”

CO6-29

*The Pima NRCD finds that the DEIS misrepresents the current status of border security in the Altar Valley.*

Page 4-180. FERC is missing Pima County's point.

Although we do not question the validity of costs and figures provided by Pima County, we, along with other agencies such as the BANWR, have noted that illegal immigration activities are dependent on several variables and factors such as U.S. Border Patrol operations and the national economy, as discussed in section 4.9.1. While pipeline right-of-way may be used by undocumented immigrants or other unauthorized uses, it would not necessarily cause an increase in illegal immigration. The amount of illegal activity at and near border crossings is dependent on many variables that are not directly measurable. However, we acknowledge that the Project could provide a new pathway for existing illegal activity within the Altar Valley. It is reasonable to assume that, with an increase in illegal immigration and human and drug trafficking in the Project area, there would be an increase in costs to public services. However, as noted above, while pipeline right-of-way may be used by undocumented immigrants or other unauthorized uses, it would not necessarily cause an increase in illegal immigration.

The introduction of the new permanent road that would be created by the pipeline installation would no doubt facilitate increased illegal traffic, and the litter (8 lb. per person) and accompanying health and safety hazards, through the immediate area where PNRCD's cooperators live and work. Whether overall nationwide illegal immigration increases or not as a result of the pipeline installation is entirely irrelevant to the immediate danger the pipeline would present to our cooperators and other residents living and/or working within the PNRCD's district. Illegal immigration is not the greatest issue of concern. It is armed, illegal smuggling of drugs, money and firearms that presents the greatest danger to PNRCD's cooperators because this traffic follows the path of least

CO6-27

Section 4.2.4 has been updated. Since issuance of the draft EIS, Sierrita addressed our comments to further protect topsoil piles from heavy rain, flash flooding, and wind erosion during construction in the monsoon season between June 15 and September 30.

CO6-28

See response to comment CO6-15.

CO6-29

As stated in section 4.9.2, Sierrita would not create nor maintain a road for its use along the permanent right-of-way. We note that the impacts are currently already occurring in the Altar Valley and its residents. We acknowledge in section 4.9.1 that the Project may result in a shift or increase in illegal activity. Therefore, Sierrita would implement restoration and mitigation measures that are intended to discourage both authorized and unauthorized foot and vehicle use of the right-of-way, as discussed in section 4.9.2.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-29 | resistance. The introduction of the pipeline would indeed increase illegal traffic through  
(cont'd) | our cooperators' ranches and private lands by ingress of flow from other areas.

CO6-30 | Page 4-186: FERC is making an inaccurate "apples-oranges" comparison of the Altar  
Valley to other areas on the border.

"The U.S. Border Patrol has been informed by landowners and visitors (e.g., hunters, hikers) in other parts of the country that the increased efforts by and presence of the U.S. Border Patrol has actually instilled a sense of security."

First, people from "other parts of the country" do not live and work in the remote rural areas of the Altar Valley and are generally clueless as to what is happening on our southern border, particularly in rural areas between those well-protected towns and ports of entry. Second, the U.S. Border Patrol will parrot the inaccurate political propaganda coming from the White House that the "border is secure" because it is natural for employees of any organization to try to please the boss. There may be very unpleasant consequences otherwise, and retaliation against whistleblowers within the government has been documented. In this case, the boss is a politician looking to swell the ranks of his party. Third, the border is indeed secure at border cities and towns because there is 18" double fencing with a trench between the fences, and a disproportionate amount of Border Patrol staff monitoring that fence within cities and towns along the border. In the rural areas between the cities, including vast areas within the Altar Valley, the situation is quite different. We encourage FERC decision makers to come visit the rural areas of the border personally and take a tour. Please contact us to make arrangements. As shown in the photo below, vast remote areas of the Altar Valley, between the border cities, are separated from Mexico by only a four-strand barbed wire fence that is continually cut open by smugglers. (See Figure 1.) The Border Patrol does not assign agents to regularly monitor activity along this fence. They focus their manpower on the towns and cities. These remote areas are instead monitored continually by drug cartel scouts who occupy hidden locations (See Figure 2) on the hilltops and direct their "mules" by encrypted radio transmissions. These scouts own all the latest technology: solar panels, night vision, encrypted radios, heavy weaponry, etc.

CO6-30

The U.S. Border Patrol's intent is to reduce risk and cross-border related activity through the appropriate integration of personnel, tactical infrastructure, and technology. Risk is analyzed as a function of threats to homeland security; threats to border security operations and public safety; and vulnerabilities of U.S. Border Patrol operations, personnel, and the communities that they serve and protect. Much the same as with any law enforcement organization, the U.S. Border Patrol cannot stop all illegal activity from occurring, but it will respond to reports of suspected cross-border illegal activity. If the activity persists or if there is a high level of risk, the U.S. Border Patrol will complete a risk assessment and employ risk-based operational strategies devised to mitigate risk and cross-border related illegal activity.

The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts. We note that FERC staff has visited the Project area several times, including the U.S.-Mexico border with U.S. Border Patrol agents, and had meetings and discussions with the Pima County NRCD regarding the Project. We also note that the photograph of the fence presented in the NRCD's letter is not reflective of the current border fence west of Sasabe, Arizona, where the Project would be located. We do note, however, that areas of fencing like this occur east and west of the main border fence at Sasabe and outside of the Project area.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-30  
(confd)



Figure 1. Present-day U.S./Mexico border fence in Altar Valley

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-30  
(cont'd)



Figure 2. A drug cartel scout's hilltop hideout in the Altar Valley

CO6-31 | Page ES-7: A contestable statement is made concerning resources available to the Border Patrol. The following statement cannot be validated because Border Patrol funding is subject to changes in Congressional appropriations and to the whims of the Executive branch. Even if the Border Patrol has the material resources it needs, over the course of history at least one sitting President has set a precedent, for political reasons, not to fully and faithfully honor his Oath of Office and enforce the law of the land, instead picking and choosing which laws he would wish to enforce. We consider therefore that the following statement is meaningless:

The U.S. Border Patrol is responsible for responding to any possible increase in human trafficking, narcotic trafficking, and cross border-related illegal activity resulting from the Project and, as a cooperating agency in the preparation of this EIS, has indicated that it has sufficient resources to respond to any additional illegal activity potentially induced by the Project.

CO6-32 | *Other errors in the DEIS:*  
Page 4-77 to 4-78: Here, FERC identifies only a few factors in the time it would take for shrub habitat to regenerate. The main factor will be the amount of compaction by motorized vehicles and trampling by illegal aliens.

CO6-31 | We agree that appropriations to the U.S. Border Patrol may change over time; however, specific repercussions would be speculative. Section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.

CO6-32 | Section 4.5.7 discusses Sierrita's proposed mitigation measures to protect migratory birds. Sections 4.4.8 and 4.5.2 identify the factors that could impact restoration.

As stated in section 4.9.2, Sierrita would not create nor maintain a road for its use along the permanent right-of-way. Sierrita would implement restoration and mitigation measures that are intended to discourage both authorized and unauthorized foot and vehicle use of the right-of-way.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-32  
(cont'd)

Most bird species in the Project area are either ground- or shrub-dwelling species. The cutting, clearing, and/or removal of existing vegetation in the right-of-way would destroy existing nesting sites. The effect to shrub-dwelling wildlife species would be greater because shrub habitat would take a comparatively longer time to regenerate. Such habitats could take 50 years or longer to regenerate, depending on site-specific conditions such as rainfall, elevation, grazing, and weed introduction.

CO6-33

Page 4-151: Here, FERC misidentifies ASTL lands as “public” lands. They are not “public” lands. They are private lands owned by the beneficiaries of the State School Trust Fund.

Most of the non-federal land in the Altar Valley is designated as ASTL, which are public lands managed by the ASLD (see section 4.8.2.2). Pima County, as part of its conservation efforts, has obtained leases from the ASLD for much of this land. Currently, Pima County uses these areas as conservation lands or open space, or for active grazing (Pima County, 2011). As listed in table 4.8.1-3, the Project would cross approximately 10.7 miles of ASTL that are under public grazing lease to Pima County and ranches.

The error on page 4-151 is correctly contradicted on page 4-161”

ASTL is land managed by the ASLD. ASTL is not considered public land (ASLD, 2013b), but instead is managed to enhance value and optimize economic return for the trust beneficiaries, and to provide support for resource conservation programs for the well-being of the public and the state's natural environment (ASLD, 2013c). . .

CO6-34

Page 4-152 The appropriate rancher must be fully compensated fully for any and all costs of animals lost, injured or killed as a result of construction. Replacement cost of a bred cow is at least three times her market value (more if the operation is raising seed stock) due to loss of calf production for two or three years.

“Some grazing animals could be trapped in the open pipeline trench and be exposed to additional injury or mortality from predation or other causes. Sierrita would minimize the impacts associated with an open trench on grazing animals by implementing the measures listed in section 4.5.2. These guidelines are based on recommendations from the wildlife agencies in Arizona and include reducing the length of open trench at any one time, providing ramps to allow animals to escape trenches, frequent inspection of trenches, and rescue of trapped animals. This would reduce mortality from entrapment in the pipeline trench. Additionally, Sierrita would offer manpower and/or equipment assistance to remove the animal, as appropriate, from the trench. As discussed in its Plan, Sierrita would coordinate with lessees prior to construction and would erect temporary fencing to minimize impacts on livestock, or work with

CO6-33

Section 4.8.1.1 has been updated to remove the reference to ASTL as “public.”

CO6-34

As stated in section 4.8.2.3, the easement agreement between the company and landowner typically specifies compensation for loss of use during construction, loss of nonrenewable or other resources, damage to property during construction, and limits on use of the permanent right-of-way after construction. Landowners have the opportunity to request that site-specific factors and/or development plans for their property be considered during easement negotiations, and that specific measures be taken into account.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-34 | the landowners and land management agencies to identify  
(cont'd) | alternative measures to protect reclamation efforts for the Project.”

CO6-35 | Page 5-7 Sierrita must not feed anything to anyone’s cattle without first obtaining the  
owner’s written permission.

The majority of land use affected by the Project would be open land used for grazing. Sierrita would implement various measures (e.g., placement of salt licks) to keep livestock away from the right-of-way.

CO6-36 | *The DEIS misrepresents and misconstrues valid existing privately held water rights.*  
Pages ES-4, 4-33, 4-36, 4-40, 4-44, 4-45, 4-46, 4-76, 4-77, 4-79, 4-89, 4-99, 4-102, 4-109,  
4-110, 4-114, 4-116, 4-122, 4-123, 4-125, 4-126, 4-139, 4-140, 4-141, 4-142, 4-152, 4-  
153, 4-231, 5-3, and 5-14: Here, the DEIS misidentifies earthen livestock tanks as  
“wildlife/livestock tanks.” For example:

No species-specific surveys have been conducted by Sierrita for the northern Mexican gartersnake; however, suitable habitat for this species exists within the general Project area in the form of wildlife/livestock tanks, which may also support preferred prey species.

There are approximately 43 wildlife/livestock tanks within 1 mile of the Project area that could support this species, 15 of which are within 1,000 feet of the Project area (see figure 4.7.1-7). The terrestrial spaces between aquatic habitats also support this species by allowing for thermoregulation, gestation, shelter, protection from predators, immigration, emigration, brumation, and foraging.

Studies have observed northern Mexican gartersnakes moving several hundreds of meters away from water sources (FWS, 2013d).”

The nomenclature, “wildlife/livestock tanks,” misrepresents both the actual purpose of these livestock watering tanks and misrepresents valid existing privately held surface water rights as something different. Most of the livestock water tanks identified in the DEIS are surface waters with rights to that water owned privately. Outside the BANWR and within the Altar Valley the federal government and the Arizona Game and Fish Department have few if any valid rights to surface waters. These livestock tanks were built by ranchers for livestock and are maintained by ranchers for livestock. The privately held, valid existing water rights are registered with the Arizona Department of Water Resources as such and secured by beneficial use for livestock. Without livestock, maintenance of these tanks would immediately cease and these tanks would eventually fill with silt or wash out and become non-functional. This was proven when livestock were exclosed from the Buenos Aires National Wildlife Refuge and very quickly, 21 developed water sites dwindled to just one serving only the Refuge headquarters. Livestock tanks are not built for watering wildlife, although most wildlife depends on livestock tanks for survival in the Altar Valley. Several ranchers in the Altar Valley have indeed entered into Safe Harbor Agreements using their livestock tanks and their private surface water rights to protect the endangered Chiricahua leopard frog. To refer to these

CO6-35 | See response to comment CO5-121.

CO6-36 | See response to comment PM1-29. The reference to wildlife tanks does not diminish or negate a person’s water rights.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-36 tanks as "wildlife/ livestock" tanks, however, may unconstitutionally infringe on existing, valid, privately-held water rights and also mislead whoever is reading the DEIS.

CO6-37 *FERC must require Sierrita to fully compensate local landowners for all losses and injury resulting from the pipeline. Sierrita's responsibilities are inadequately defined. This DEIS must be withdrawn and revised to ensure that happens.*

Pima NRCD demands that Sierrita must replace damaged wells at its own expense and fully and timely compensate each damaged well's owner for any other costs.

Page 4-28:

If an impact occurs on a livestock well or an irrigation well, Sierrita would provide temporary water sources to sustain livestock while a new permanent water supply well is constructed.

CO6-38 *The Pima NRCD notifies FERC herein of misrepresentative, false and negatively biased information published in the DEIS and/or misconstrued in context as representing the environmental effects of current, ongoing controlled livestock grazing practices in the Altar Valley. This DEIS is arbitrary, capricious, unlawful and must be immediately withdrawn.*

This DEIS is inaccurate and biased in its reliance exclusively on literature that condemns all livestock grazing, as if modern grazing practices remain utterly unchanged from the uncontrolled grazing of the late 1890's, while overlooking and/or ignoring all peer-reviewed studies that demonstrate the ecological benefits of controlled grazing, which is the only grazing practice in the Altar Valley. Peer-reviewed literature that discusses the ecological benefits of controlled grazing, within the Altar Valley, all of which FERC has completely ignored, is included in attachment (Parker, 2009). A bibliography of peer-reviewed scientific literature discussing the ecological benefits of livestock grazing, none of which are cited in this biased DEIS, is also included in attachment. (Parker, 2009) The fact that the information about grazing published throughout this DEIS is selectively biased against livestock grazing indicates a malicious intent to misrepresent the cattle industry in a negative light. The Cumulative Impacts analysis appears to deliberately misrepresent ongoing, well-managed controlled grazing within the Altar Valley in as negative a manner as possible so as to pretend the proposed project will produce minimal incremental damage. This DEIS is filled with pure deceit in that regard. We consider the DEIS biased, overtly defamatory and damaging to our livestock grazing cooperators. In selectively relying almost exclusively on literature that is biased against livestock grazing while ignoring peer-reviewed literature that demonstrates the ecological benefits of livestock grazing, FERC violates the intent of Congress that this DEIS rely solely on the best available scientific and commercial information. This DEIS is therefore arbitrary, capricious and unlawful, and it must be withdrawn.

The DEIS not only ignores the safety, economic and environmental concerns of the people whose lives and livelihoods the project would negatively impact but it goes farther to inappropriately attack, misrepresent and defame their good names and those of their ancestors. The effect of such inaccuracies published in a source as trusted as the Federal Register promises to bring undue social, litigious and regulatory harassment against our cooperators. These dishonest claims attack either directly or by innuendo,

CO6-37 See responses to comments CO1-11 and CO5-62.

CO6-38 See response to comment PM1-7.

Sections 4.8.4 and 4.10.6 address potential Project-related impacts on recreation and special interest areas and ecotourism, respectively. Section 4.10.6 addresses potential Project-related impacts on the economy. Section 4.16 addresses reliability and safety.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-38 | current, well-managed controlled grazing practices, and obstruct an objective evaluation  
(cont'd) | of anticipated cumulative environmental impacts of the proposed pipeline. Moreover  
such claims expose innocent citizens and their livestock to undue litigation, to physical  
harm to their lives, and invites theft and vandalism of their property, including but not  
limited to cruelty to animals, by misguided and mentally unstable persons who feel  
justified in such actions as a direct result of believing such inaccurate, biased and  
defamatory information as FERC has already published in the Federal Register within  
this DEIS.

CO6-39 | Page 4-29, 4-221. Here, inaccurate historical information compounded by omission of  
significant facts, results in the DEIS promoting a lie that generic cattle grazing and farm  
levees alone caused historical environmental destruction.

Starting in the mid-1860s cattle grazing was introduced to  
southern Arizona, and is thought to have significantly contributed to  
the removal of vegetation, compaction of soils, and subsequent  
erosion of the watershed basin. The shallow channels that once  
worked to slow the flow velocity became more and more entrenched  
with time, allowing flow velocity to increase and subsequently  
causing increased bank erosion and sediment transport.  
Additionally, farm levees were constructed, which narrowed the  
floodplain and further increased flow velocity (Pima County, 2000).

We will first address the egregious historical inaccuracy of this statement. Francisco  
Vasquez de Coronado introduced domestic European livestock breeds into Southern  
Arizona in 1540 by. His expedition moved several thousands of head of livestock,  
including sheep, rams, horses, cattle, pigs and chickens, in addition to more than 1,500  
men, through southern Arizona, presumably northward through the San Pedro River  
Valley.<sup>8</sup>

Pedro de Castañeda, a horseman with the expedition, wrote of crossing the Great Plains  
(which he stated was by then a full year's journey into the USA),

“Who will be able to believe that when a thousand horses and five  
hundred of our cattle, more than five thousand rams and ewes and  
more than one thousand five hundred persons among the allies and  
servants [of the expedition] were traveling across those plains [and  
had] finished crossing [an area] they left no more trace than if no  
one had ever crossed there.”<sup>9</sup>

<sup>8</sup> 2012-04-16). Documents of the Coronado Expedition, 1539–1542: "They Were Not Familiar with His Majesty, nor Did They Wish to Be His Subjects" (Kindle Locations 18579-18580). University of New Mexico Press. Kindle Edition

<sup>9</sup> (2012-04-16). Documents of the Coronado Expedition, 1539–1542: "They Were Not Familiar with His Majesty, nor Did They Wish to Be His Subjects" (Kindle Locations 15162-15165). University of New Mexico Press. Kindle Edition.

CO6-39 See response to comment PM1-7.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-39  
(cont'd) The DEIS then inaccurately lays blame for the stated environmental changes that occurred as a direct result of the 1895 drought entirely on generic "cattle grazing," when in fact this landscape change was the result of a combination of one of the most severe droughts in recorded history and *uncontrolled* grazing, which is no longer practiced in the Altar Valley. There were more than ten head of cattle per acre of land at that time as today, and that is only one of the many management differences. The quoted statement misrepresents and defames present grazing practices by omitting significant facts and telling a half-truth, a.k.a. a clever lie. The actual 300- year history of domestic cattle presence in southern Arizona is discussed in greater detail in our response to similar false accusations on page 4-221 of this DEIS.

CO6-40 Page 4-29. Misleading information that substantially downplays significant, long-term voluntary conservation efforts by ranchers in the Altar Valley.

Recently, some ranchers have modified livestock grazing management to control erosion, and efforts are ongoing to restore impacted washes and watersheds.

This statement falsely implies that uncontrolled grazing practices of 1862 are still in effect on most of the ranches in the Altar Valley and that only a minority of these ranchers care enough to do anything differently, and even they have only awakened to their folly in the last two or three years. The fact is that all ranchers in the Altar Valley practice controlled grazing and have done so with increasing levels of scientific knowledge and improved infrastructure since 1935.

Control of grazing is required by law through grazing permits regulated and regularly monitored by the Forest Service, the Bureau of Land Management and/or the Arizona State Lands department. Most ranches in Arizona combine contiguous private, State, and Federal lands and manage grazing under a single coordinated land use plan signed on to by all the relevant federal agencies, state agencies, and the Pima NRCD. Second, voluntary efforts to restore watersheds began in 1935 with the creation of the Soil Conservation Service and in Arizona, the Natural Resource Conservation Districts. The State of Arizona likewise recognized early the need to restore impacted watersheds through voluntary partnerships with private landowners. The State Lands Department website <http://www.azland.gov/programs/natural/nrcd.htm> gives details. Many of Pima NRCD's cooperators in the Altar Valley are fourth- and fifth-generation ranchers whose families have worked in partnership with the Pima NRCD and/or the NRCS restoring the watersheds since 1935. Many began working on conservation efforts long before that. The Altar Valley Conservation Alliance was created in 1995. The history of conservation efforts made by that group is described online at <http://www.altarvalleyconservation.org/about/history/>.

CO6-41 Page 4-47 Here, FERC relies on information that is outdated, wholly inaccurate and wholly irrelevant while offensively misrepresenting cattle ranchers across all of southeastern Arizona as uncaring land abusers.

"The mixed grass-scrub series is the dominant grassland type found in Arizona and is considered one of the most important grasslands in the state due to the high diversity of species found. However, intense cattle grazing and associated soil disturbance has favored the growth of annual, non-native grasses and shrubs over

CO6-40 See response to comment PM1-7.

CO6-41 Section 4.4.1 has been updated with additional information from the NRCS and the AVCA regarding vegetation composition and current grazing practices.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-41  
(cont'd)

native bunch grasses found in these communities. In addition, fire suppression has protected the growth of non-fire resistant scrub over fire tolerant grasses. These factors have led to high occurrences of invasive shrubs and cacti in these communities. In some cases, scrub has completely taken over the grasses, such as with the mesquite stands near Portal, Paradise, and Douglas, Arizona (Bennett et al., 2004)."

The statement above falsely blames "intense cattle grazing and associated soil disturbance" as *ongoing* practices favoring the growth of exotic annuals and shrubs over native bunch grasses. First, "intense" cattle grazing in Arizona went out of fashion with massive cattle death losses following the drought of 1895. The rangelands in Arizona today are stocked at less than 1/10<sup>th</sup> of that intensity. The loss of native bunch grasses was predominantly caused by a combination of the worst drought in recorded history in 1895 combined with the inability of ranchers *at that time* to quickly remove stock in response to the drought. Subsequent heavy monsoon rainstorms washed the topsoil away. This situation provided the motivation for the scientifically controlled grazing and adaptive management that is universally practiced in the Altar Valley and across the western United States today. Range management practices and in turn rangeland health across the United States have improved dramatically since 1900 and more rapidly since the creation of the Soil Conservation Service in 1935. And they continue to improve based on ongoing scientific research.

Indeed, peer reviewed literature included in attachment attests to the fact that sound management of livestock grazing has been instrumental in restoring native bunch grasses both in the Altar Valley and elsewhere in the southwest. (Holechek et al., 2005)<sup>10</sup> (Parker, 2009)<sup>11</sup>.

CO6-42

The quoted paragraph finishes with an irrelevant and patently false statement: "In some cases, scrub has completely taken over the grasses, such as with the mesquite stands near Portal, Paradise, and Douglas, Arizona (Bennett et al., 2004)." This statement is irrelevant because Portal, Paradise, and Douglas all lie in Cochise County on the opposite side of several mountain ranges and not in the Altar Valley, much less within the Project area.

CO6-43

Moreover, FERC errs in its statement that due to fire suppression, "shrubs have **completely** taken over the grasses, such as with the mesquite stands near Portal, Paradise, and Douglas, Arizona." Here, FERC relies on obsolete and misrepresentative information. FERC completely ignores the fact that the area mentioned was engulfed in two massive wildfires in 2010 and 2011: Horseshoe I and Horseshoe II. The latter was the fifth largest wildfire in Arizona history, scorching 222,954 acres (348.3656 sq mi;

CO6-42

See response to comment CO6-41.

CO6-43

Section 4.4.1 has been updated with additional information on prescribed burns and improved vegetation.

<sup>10</sup> Holechek, J. L., Baker, T.T., and J.C. Boren. Impacts of Controlled Grazing versus Grazing Exclusion: What we have learned. 2005. New Mexico State University Range Improvement Task Force Report No. 57

<sup>11</sup> Parker, Dennis. 2009. Citations to Publications Showing Benefits of Controlled Grazing and Selected Publications Relating to Riparian Habitat, Native Fishes and Political Ecology

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-43 (cont'd) 90,226.3 ha).<sup>12</sup> Illegal aliens most likely ignited the Horseshoe II fire, the Monument fire and two other major wildfires that occurred significantly closer and which threatened the Project area in 2011: the Murphy Fire and the Pajarito fire. (Banks, 2011)<sup>13</sup> Furthermore, Bennett (2004) examines only the effects of historical *uncontrolled* livestock grazing and is therefore irrelevant to *controlled* grazing practices currently ongoing in the Project area.

CO6-44 Page 4-47 Here again, the DEIS ignores the best scientific and commercial data available, favoring instead the typical propaganda produced by self-publishing NGOs that are not held accountable to anyone for scientific accuracy or quality control. The paragraph quoted below is speculative, inaccurate and soundly refuted in attachment by the best available science.

“A study conducted by the Nature Conservancy (Gori and Enquist, 2003) mapped grassland types within the Project area (see figure 4.4-2). This study shows that the majority of the mixed grass-scrub community crossed by the Project (approximately 372 acres) is exotic-dominated grasslands, defined as grassland with 10 to 35 percent total shrub cover, in which mesquite cover is less than 15 percent and non-native perennial grasses are common or dominant. High-quality native grassland and historical grassland are also found within the Project area. The high-quality grassland found in the Project area (approximately 20 acres) is defined as grassland composed of native perennial grasses and herbs with 10 to 35 percent total shrub cover, in which mesquite cover is less than 15 percent, and that has restoration potential. Historical grassland (approximately 28 acres found in the Project area) is defined as former grasslands with greater than 15 percent canopy cover of mesquite combined and/or greater than 35 percent total shrub cover, along with perennial grass canopy cover that is usually less than 1 percent and always less than 3 percent, and type conversion to shrubland that is either permanent or would require 40 plus years of livestock exclusion for partial recovery of perennial grasses.”

The Nature Conservancy is not the highest authority on soil and vegetation surveys in the Altar Valley. The NRCS is, and we defer in the analysis of such to comments being submitted by NRCS.

CO6-45 Furthermore, the quack-science prescription of “40 plus years of livestock exclusion for partial recovery of perennial grasses” is presented without citation to any scientific range management study and clearly has no relationship whatsoever to the best available scientific information.

What the best available scientific information does say, in stark contrast, is that

CO6-44 See response to comment CO6-41.

CO6-45 See response to comment CO6-41.

<sup>12</sup> Wikipedia. Horseshoe 2 Fire. [https://en.wikipedia.org/wiki/Horseshoe\\_2\\_Fire](https://en.wikipedia.org/wiki/Horseshoe_2_Fire) Accessed December 15, 2013

<sup>13</sup> Banks, Leo. “Arizona Burning.” *Tucson Weekly* June 30, 2011. <http://www.tucsonweekly.com/tucson/arizona-burning/Content?oid=3046857> accessed December 15, 2013.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-45  
(cont'd)

native perennial vegetation can and has been rapidly restored within the Altar Valley in the presence of controlled livestock grazing. Fleming and Holechek (2002)<sup>14</sup> states the following about one of the grazing allotments in the Altar Valley:

The Montana Allotment has been in a strong upward trend for the last 17 years based on various surveys by range consultants and Forest Service range conservationists. A significant shift in composition from shortgrass (curly mesquite) to more productive, palatable midgrasses (sideoats grama) has occurred over the period from 1984 to 2000. (Fleming et al. 2001)<sup>15</sup>

Holechek et al., 2005<sup>16</sup> states:

"On the Montana Allotment on the Coronado National Forest in southeastern Arizona, a combination of rest rotation grazing and conservative stocking over a 10-year period resulted in rapid improvement of both riparian vegetation and bank characteristics (Fleming et al. 2001). Hundreds of riparian trees became established in riparian reaches where they had been absent 13 years ago. Based on a system using 10 indicators, riparian health on the Montana Allotment was judged to be excellent. This study shows that well planned grazing can result in rapid riparian habitat improvement under some conditions in the southwestern United States."

CO6-46

Page 4-62: Here, the statement implying that the pasture fencing in the Altar Valley fragments wildlife habitat is founded entirely on unreliable speculation rather than verifiable facts. While one can agree that pasture fencing *has the ability* to fragment habitat for some species of wildlife, a survey by fly-over in a helicopter cannot possibly evaluate the fencing in the Altar Valley as to its degree of wildlife habitat fragmentation. Is the fence 3-strand, 4-strand or 5 strand? Are the top and bottom wires barbed or smooth? What is the minimum distance between the wires? What structural allowances are built in to allow wildlife movement? What is the minimum distance from the ground to the bottom wire? What is the maximum height of the top wire? These are factors ranchers consider in building wildlife-friendly fencing that does *not* fragment habitat, and that cannot be evaluated from a two-dimensional perspective at a distance of several thousands of feet away and traveling at high speed.

<sup>14</sup> William Fleming and Jerry Holechek. "Soil Erosion Rate on the Montana Allotment, Arivaca, Arizona, May 2002. A Consulting Report" [http://www.chiltonranch.com/images/soil\\_erosion\\_rate.pdf](http://www.chiltonranch.com/images/soil_erosion_rate.pdf) accessed December 15, 2013

<sup>15</sup> William Fleming, Dee Galt and Jerry Holechek. "Ten Steps to Evaluate Riparian Health" and "The Montana Allotment: A Grazing Success Story" 2001. Rangelands 23(6) pp. 24-27 <http://chiltonranch.com/images/fleming.pdf> Accessed December 15, 2013

<sup>16</sup> Holechek, J.L., Baker, T.T., and J.C. Boren, 2005. "Impacts of Controlled Grazing versus Grazing Exclusion on Rangeland Ecosystems: What We Have Learned" New Mexico State University Range Improvement Task Force Report No. 57" [http://aces.nmsu.edu/pubs/\\_ritf/RITF57.pdf](http://aces.nmsu.edu/pubs/_ritf/RITF57.pdf) Accessed December 15, 2013

CO6-46

The commenter's reference to pasture fencing on page 4-62 is unclear. The paragraph in section 4.4.8.1 regarding the helicopter fly-over of the Project area does not refer to pasture fencing as a form of fragmentation observed.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-46  
(cont'd)

We reviewed the Project area during a helicopter fly-over in the fall of 2012 and also have conducted a more recent aerial photo assessment of the Project area. Based on these reviews, we observed that the natural landscape crossed by the Project has already experienced fragmentation in the form of existing roads and trails from human and grazing activities, other rights-of-way (e.g., Highway 286, electric transmission line), and clear cuts.

CO6-47

Page 4-66 Here, FERC again presents inaccurate and irrelevant information regarding the effects of uncontrolled grazing and misconstrues it to represent the effects of controlled livestock grazing under the management techniques currently practiced within the Project area.

Riparian habitat is essential for many of the big game, raptors, migratory birds, and sensitive species in the Project area. Fire, weed colonization, livestock grazing, oil and gas development, and drought, among others influences, have reduced or degraded riparian habitat in the western United States.

The statement that generic "livestock grazing... [has] reduced or degraded riparian habitat in the western United States"-without consideration of timing, duration, seasonality, stocking levels, utilization, grazing intensity, pasture rotation, adaptive management, or other significant factors-falsely implies this is the predictable effect of the controlled grazing practices currently ongoing in the proposed Project area. Indeed, within the Altar Valley, riparian habitat has been quickly *improved* through carefully controlled grazing management. What the best available scientific information tells us, in stark contrast to this DEIS, is that native perennial vegetation can and has been rapidly restored within the Altar Valley in the presence of controlled livestock grazing. Fleming and Holechek (2002) states,<sup>17</sup>

The Montana Allotment has been in a strong upward trend for the last 17 years based on various surveys by range consultants and Forest Service range conservationists. A significant shift in composition from shortgrass (curly mesquite) to more productive, palatable midgrasses (sideoats grama) has occurred over the period from 1984 to 2000.(Fleming et al. 2001)<sup>18</sup>

Holechek et al., 2005<sup>19</sup> states:

<sup>17</sup> William Fleming and Jerry Holechek. "Soil Erosion Rate on the Montana Allotment, Arivaca, Arizona May 2002 A Consulting Report." [http://www.chiltonranch.com/images/soil\\_erosion\\_rate.pdf](http://www.chiltonranch.com/images/soil_erosion_rate.pdf) Accessed December 15, 2013

<sup>18</sup> William Fleming, Dee Galt and Jerry Holechek. "Ten Steps to Evaluate Riparian Health" and "The Montana Allotment: A Grazing Success Story" 2001. Rangelands 23(6) pp. 24-27 <http://chiltonranch.com/images/Fleming.pdf> Accessed December 15, 2013

<sup>19</sup> Holechek, J.L., Baker, T.T., and J.C. Boren, 2005. "Impacts of Controlled Grazing versus Grazing Exclusion on Rangeland Ecosystems: What We Have Learned" New Mexico State University Range Improvement Task Force Report No. 57" [http://aces.nmsu.edu/pubs/\\_ritf/RITF57.pdf](http://aces.nmsu.edu/pubs/_ritf/RITF57.pdf) Accessed December 15, 2013

CO6-47

Section 4.4.1 has been updated with additional information on vegetation composition and current grazing practices.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-47  
(cont'd)

"On the Montana Allotment on the Coronado National Forest in southeastern Arizona, a combination of rest rotation grazing and conservative stocking over a 10-year period resulted in rapid improvement of both riparian vegetation and bank characteristics (Fleming et al. 2001). Hundreds of riparian trees became established in riparian reaches where they had been absent 13 years ago. Based on a system using 10 indicators, riparian health on the Montana Allotment was judged to be excellent. This study shows that well planned grazing can result in rapid riparian habitat improvement under some conditions in the southwestern United States."

CO6-48

Page 4-56: Here, historic fires and fire suppression are misrepresented with accusations of this folly laid entirely upon the grazing industry as if it was done entirely by ranchers and for the benefit of only ranchers. This accusation is both utterly false and defamatory. Here again, irrelevant references are made to areas far outside the Project area that were addressed previously in our comments regarding the misrepresentations, false accusations and irrelevant information found on Page 4-47.

The Scrub-Grassland habitat was historically maintained by naturally occurring fires that resulted from lightning strikes during the monsoon season. Native grasses are generally fire tolerant and are favored by periodic fires, as fires reduce the cover of non-fire tolerant scrub species. However, due to livestock grazing practices, fire has been historically suppressed in Scrub-Grasslands, contributing to the expansion and dominance of scrub species (FWS, 2003). In some cases, scrub has completely taken over the grasses, such as with the mesquite stands near Portal, Paradise, and Douglas, Arizona (Bennett et al., 2004).

Contrary to the misinformation published in this DEIS, a century of fire suppression policies were in fact enacted primarily to protect human life.<sup>20</sup> These policies followed the 1871 Peshtigo fire that swept through Wisconsin and killed 1,500 people. The Great Fire of 1910<sup>21</sup> followed that, burning three million acres in western Montana, Idaho and northeastern Washington. The area burned included parts of the Bitterroot, Cabinet, Clearwater, Couer d'Alene, Flathead, Kaniksu, Kootenai, Lewis and Clark, Lolo, and St. Joe national forests. The firestorm burned over two days (August 20–21, 1910), and killed 87 people,<sup>22</sup> mostly firefighters.<sup>23</sup> It was also the deadliest event for firefighters in American history until the terrorist attack of September 11, 2001.

<sup>20</sup> Wikipedia [https://en.wikipedia.org/wiki/History\\_of\\_wildfire\\_suppression\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/History_of_wildfire_suppression_in_the_United_States)  
[https://en.wikipedia.org/wiki/History\\_of\\_wildfire\\_suppression\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/History_of_wildfire_suppression_in_the_United_States) Accessed December 16, 2013.

<sup>21</sup> Great Fire of 1910 [http://www.freebase.com/view/en/great\\_fire\\_of\\_1910](http://www.freebase.com/view/en/great_fire_of_1910) Accessed December 15, 2013

<sup>22</sup> Egan, Timothy. - "Ideas & Trends: Why Foresters Prefer to Fight Fire With Fire". - *The New York Times*. - August 20, 2000

CO6-48

The information was obtained from the FWS' CCP for the BANWR (FWS, 2003). The last sentence regarding mesquite stands near Portal, Paradise, and Douglas, Arizona has been removed.

As discussed in sections 4.4.6 and 4.4.8.2 of the final EIS, prior to construction, Sierrita's land management and operations staff would coordinate with local managing agencies and landowners to discuss the schedule and procedures for prescribed fires in the vicinity or across the Project area. These discussions would also include best management practices and safety practices to be implemented near Sierrita's aboveground facilities.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-48  
(cont'd)

According to the Forest History Society, fire suppression policies were adopted first to protect human life and second, to protect valuable commercial timber supplies. Ranchers in fact *opposed* the fire suppression policies because light burning was a good range management tool.<sup>24</sup> Light burning was also practiced on the Buenos Aires Ranch before it became a National Wildlife Refuge. The small fires maintained the masked bobwhite quail habitat before the ranch was acquired for the BANWR. (Sayre, 2002)<sup>25</sup>

The 1910 fires had a profound effect on national fire policy. Local and national Forest Service administrators emerged from the incident convinced that the devastation could have been prevented if only they had had enough men and equipment on hand. They also convinced themselves, and members of Congress and the public, that only total fire suppression could prevent such an event from occurring again, and that the Forest Service was the only outfit capable of carrying out that mission. Three of the men who had fought the 1910 fires—[William Greeley](#), [Robert Stuart](#), and [Ferdinand Silcox](#)—served from 1920 to 1938 as Forest Service chief, which put them in a position to institute a policy of total fire suppression.

This policy had two goals: preventing fires, and suppressing a fire as quickly as possible once one started. To prevent fires, the Forest Service came out in opposition to the practice of light burning, even though many ranchers, farmers, and timbermen favored because it improved land conditions. It must be remembered that at this time foresters had limited understanding of the ecological role of fire. Forest Service leaders simply argued that any and all fire in the woods was bad because it destroyed standing timber. Educating the public about the need for fire prevention became an important part of this goal. In 1944, the Forest Service introduced the character Smokey Bear to help deliver its fire prevention message.

The policy of fire suppression was also applied to Sequoia, General Grant, and Yosemite national parks when they were established in 1890, and Army patrols were initiated to guard against fires, livestock trespass, and illegal logging.<sup>26</sup>

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<sup>23</sup> [Deadliest incidents resulting in the deaths of 8 or more firefighters", \*nfpa.org\*. National Fire Protection Association](#). February, 2012. Retrieved 1 July 2013. (86 firefighters)

<sup>24</sup> Forest History Society. U.S. Forest Service History: U.S. Forest Service Fire Suppression. <http://www.foresthistory.org/ASPNET/Policy/Fire/Suppression/Suppression.aspx> Accessed December 16, 2013

<sup>25</sup> Sayre, N. 2002. Ranching, Endangered Species, and Urbanization in the Southwest, Species of Capital. The Arizona Board of Regents.

<sup>26</sup> van Wagtenonk, Jan W. (2007). "The History and Evolution of Wildland Fire Use". *Fire Ecology* (Association for Fire Ecology) 3 (2): 3–17. doi:10.4996/fireecology.0302003. Retrieved 2008-08-24. (U.S. Government public domain material published in Association journal. See [WERC Highlights -- April 2008](#))

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-48  
(cont'd)

FERC, in this DEIS, is apparently trying to conceal the fact that the Altar Valley Conservation Alliance (AVCA) was created for the purpose of bringing prescribed fires into the valley as a means to restore the native grassland. The AVCA website states:<sup>27</sup>

Grasslands of the Altar Valley likely burned every 8-12 years, prior to Euro-American settlement in the 1880s. Fire regimes likely played a crucial role in maintaining the area's grasslands by suppressing woody species and encouraging new growth. Like much of the western United States, the presence of fire in the Altar Valley diminished throughout the 20th century, and the dominance of woody species steadily increased. Returning fire to the watershed ecosystem was a goal that drew people together to form the Altar Valley Conservation Alliance in the mid 1990s.

After years of effort, a consortium of watershed partners led by the US Natural Resources Conservation Service and the Alliance completed a landmark watershed wide fire management plan in 2010. The plan addressed the entire watershed, except the Buenos Aires National Wildlife Refuge, which has an extensive fire program already in place. [Learn more by looking at the actual fire plan!](#)

Thanks to two major grants from the [National Fish and Wildlife Foundation](#), the Alliance and its partners are now working on plans for specific fires. In 2010, the Alliance received its first multi-year fire research and implementation grant through the National Fish and Wildlife Foundation. Under that grant, the Alliance and partners created five state-approved, surveyed, and mapped prescribed burn plans totaling more than 17,000 acres of mixed private, county, state and federal lands: Keystone Peak, West Mill, Pig Mountain, Las Delicias and Rancho Seco. In the fall of 2012, the Alliance was awarded a second grant from the National Fish and Wildlife Foundation to create two additional burn plans, add erosion control measures to all seven of the burn sites prior burning, and, if conditions allow, execute the seven prescribed burns.

Fire has a way of operating of its own accord too. Many major wildfires have occurred in the watershed since 2000, many caused by humans. To learn more, [read about the Elkhorn Fire 2009](#).

To read more about the Alliance's efforts to return fire to the Altar Valley, [click here](#) to read Tana Kappel's article "Burning Desire," which appeared in Field Notes, the Nature Conservancy's magazine for Arizona members.

CO6-49 Page 4-56: Here, FERC once again misrepresents Lehmann's lovegrass as having been introduced solely by ranchers, solely to benefit livestock, as if FERC misunderstands Lehmann's to be superior forage over native grass species.

<sup>27</sup> Altar Valley Conservation Alliance / Fire Plan 2008. [http://altarvalleyconservation.org/wp-content/uploads/pdf/Altar\\_Valley\\_Fire\\_Management\\_Plan.pdf](http://altarvalleyconservation.org/wp-content/uploads/pdf/Altar_Valley_Fire_Management_Plan.pdf)  
<http://www.altarvalleyconservation.org/cooperative-conservation/fire/> Accessed December 15, 2013

CO6-49

The NRCD's comment regarding Lehman's lovegrass is noted. Sections 4.4.5 and 4.14 (Environmental Setting) have been updated to note the introduction of Lehman's lovegrass.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-49  
(cont'd)

Lehmann's lovegrass, although not identified as a prohibited, regulated, or restricted species by the ADA, is a non-native species that was also introduced to improve livestock grazing and has become well established in the Project area. Lehmann's lovegrass is the dominant grass on 75 percent of the BANWR and throughout the Altar Valley (FWS, 2003).

Lehmann's lovegrass was in fact originally introduced in the 1930's as a cover plant to stop soil erosion following the Dust Bowl era. According to the U.S. Forest Service,

Lehmann lovegrass is native to South Africa. It was first introduced in the arid Southwest in the 1930's for range restoration purposes. Between 1940 and 1980, ranchers and government land managers established Lehmann lovegrass on more than 172,000 acres (70,000 ha) [10]. However, because of edaphic and climatic requirements of the plant, most stands in Texas, New Mexico, and central Arizona disappeared within 5 years of planting [11]. In 1988, Lehmann lovegrass was considered a major plant species on about 347,000 acres (140,000 ha), with the majority of this acreage in southeastern Arizona [12].

... Lehmann lovegrass has been widely used for roadside stabilization and range restoration in the Chihuahuan and Sonoran deserts [30]. The Highway Division of the Arizona Department of Transportation uses Lehmann lovegrass in seed mixes with other grasses to minimize erosion and sediment damage to highways during construction [5]. Several cultivars are available [28].

CO6-50

Page 4-85 Table 4.5.3-1 Here, FERC accuses grazing and farming as threats to the movement of mountain lions, javelina, coyotes and bobcats. There is no well-designed scientific study that addresses the relationship of cattle to these species, much less proves this claim to be true. This claim is just something someone made up and wrote in a government document, and it is believed by simple virtue of being stated in print. In fact, all these species cohabitate cattle ranches across southern Arizona. Agriculture enhances and expands habitat for these and other species of wildlife by providing water and prey that would not otherwise be available.

CO6-51

Page 4-117 Here, FERC makes a baseless accusation that generic "livestock grazing" is a "main threat" to endangered masked bobwhite quail.

The main threats to this species [Masked bobwhite quail] are habitat degradation and loss from livestock overgrazing, unnatural fire regimes, and possibly competition with other quail species (FWS, 2002).

No well-designed scientific study has ever examined the relationship of livestock to masked bobwhite quail. Furthermore, "overgrazing" is not a current livestock management practice in the Altar Valley. FERC must define what is meant by an "unnatural fire regime."

CO6-52

Page 4-123: Here, the DEIS contradicts itself, falsely implies "overgrazing" occurs within the Project area, and relies on obsolete information while ignoring the best available scientific information.

CO6-50

The threats and barriers to the wildlife movement corridors identified in table 4.5.3-1 are derived from the Pima County Wildlife Connectivity Assessment: Report on Stakeholder Input (AGFD, 2012i), as noted at the end of the table. Indirect beneficial impacts on the maintenance of livestock tanks are discussed in sections 4.7.1.3 and 4.7.1.6.

CO6-51

In accordance with the ESA, the FWS evaluated the masked bobwhite and identified that this species became "endangered as a result of loss and deterioration of habitat due to overgrazing and possibly due to competition with other native species of quail. [This species] tolerates only light grazing of its habitat" (FWS, 2002). This statement is further supported by the Masked Bobwhite Recovery Plan developed by the FWS in 1978, and updated in 1984 and 1995. The Masked Bobwhite Recovery Plan includes references to several studies on the effects of livestock grazing on masked bobwhite habitat (<http://www.fws.gov/southwest/es/arizona/Documents/RecoveryPlans/MaskBo bwhite.pdf>).

CO6-52

See response to comment PM1-30.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-52  
(cont'd)

Major threats to this species [Mexican gartersnake] are from habitat degradation and loss from urbanization, overgrazing, water diversions and groundwater pumping, predation by invasive species (i.e., bullfrogs and predatory fish), reduced availability of native prey base from predation/competition with nonnative species, and genetic effects from fragmentation of populations (AGFD, 2001b).

No species-specific surveys have been conducted by Sierrita for the northern Mexican gartersnake; however, suitable habitat for this species exists within the general Project area in the form of wildlife/livestock tanks, which may also support preferred prey species.

Overgrazing does not occur in the proposed Project area or anywhere else in Arizona. Only controlled grazing occurs in the Altar Valley. The DEIS contradicts itself by stating that "water diversions" are a "major threat" to the species and immediately thereafter stating that suitable species habitat consists of livestock tanks, which typically are filled by diverting floodwater from nearby washes.

Here, FERC states that the practice of livestock grazing has created and maintained suitable habitat in the form of functional earthen stock tanks; but cites baseless accusations against livestock "overgrazing" and "water diversions" (an example of which is the channeling of water into earthen stock tanks that are ironically hailed on Page ES-6 as "suitable habitat" for T&E species) as an ongoing threat causing the alleged demise of the Mexican garter snake. To the contrary, no relevant, well-designed studies exist that examine the relationship of livestock grazing or water diversions such as in the Altar Valley to the well-being of Mexican garter snakes. Clearly the previous paragraph states that livestock tanks (which rely on water diversions) are suitable habitat for the species, but fails to recognize these tanks would not exist but for the benefit of livestock. Indeed, grazing exclusion is also a major threat to the species.

Quoting from attachment (Parker, 2009)<sup>28</sup>,

The Northern Mexican garter snake provides yet another example. When Arivaca Cienega became known as an "historic locality for both the Mexican garter snake and Chiricahua leopard frog" in 1970 (Rosen and Schwalbe, 1988<sup>29</sup>), livestock grazing had occurred there for the better part of 300 years and was then currently ongoing. It was only after livestock grazing was eliminated from the vast majority of Arivaca Cienega, however, that "extensive snake trapping carried out in the cienega in 1994 and 2000 yielded a total of 3 checkered garter snakes . . . and a single

<sup>28</sup> Parker, Dennis. Comments submitted on behalf of Southern Arizona Cattlemen's Protective Association in response to Coronado Draft Management Plan. 2009

<sup>29</sup> Rosen, P.C. and C.R. Schwalbe. 1988. *Status of the Mexican and narrow-headed garter snakes (Thamnophis eques megalops and Thamnophis rufipunctatus rufipunctatus) in Arizona*. Unpubl. Report from Arizona Game & Fish Dept. (Phoenix, Arizona) to U.S. Fish & Wildlife Service, Albuquerque, New Mexico.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-52  
(cont'd)

Mexican Garter Snake (2000), along with a single road-killed black-necked garter snake” (Rosen et al. 2001<sup>30</sup>). Similar observations also hold true for the San Bernardino and Buenos Aires National Wildlife Refuges, the lower San Rafael Valley, the Bog Hole in the upper San Rafael Valley, and the Audubon Research Ranch, where Northern Mexican garter snake populations were also reported to have substantially declined (USFWS 2008<sup>31</sup>) after all livestock grazing was eliminated.

Based on these facts, the rational hypothesis regarding these T&E species' decline is that the exclusion of well-managed, controlled livestock grazing may have contributed to both the diminishment of their numbers and their disappearance from areas of formerly historic and common occurrence.

FERC has also chosen to ignore the U.S. Fish and Wildlife Service's latest findings on the relationship of livestock grazing in the Altar Valley to the Chiricahua leopard frog and the Mexican garter snake, as stated in the attached July 2013 press release:

Some northern Mexican gartersnakes occupy stock tanks, or impoundments maintained by cattlemen as livestock watering holes. Today's proposal includes a special rule under Section 4(d) of the Act exempting operation and maintenance of livestock tanks on private, State, and tribal lands from the Act's prohibitions on “take” of listed species. Landowners will not be in violation of the Act should they or their livestock harass, harm or kill a gartersnake during normal use, operation and maintenance of their livestock tanks.

“Livestock operations do not pose a significant threat to either gartersnake; in fact many ranchers have created and maintain habitat for northern Mexican gartersnakes,” said Spangle. “In 2002, we provided regulatory flexibility for livestock operators at threatened Chiricahua leopard frog waters. Their resulting stewardship has netted remarkable recovery advances for the frog – we anticipate similar results for the gartersnake.”<sup>32</sup>

<sup>30</sup> Rosen, P.C., Wallace, J.E. and C.R. Schwalbe. 2001. *Resurvey Of The Mexican Garter Snake (Thamnophis Eques) In Southeastern Arizona*. Unpubl. Report to Arizona Game & Fish Dept. and U.S. Fish & Wildlife Service. 64p.

<sup>31</sup> U.S. Fish & Wildlife Service. 2008. *New 12-month finding for the petition to list the northern Mexican gartersnake as threatened or endangered*. Federal Register, Vol. 73, No. 228, Tuesday, November 25, 2008.

<sup>32</sup> U.S. Fish and Wildlife Service News Release July 9, 2013: “Endangered species act protection proposed for two southwest gartersnakes and their habitat”

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-53 FERC is advised here also to note that the U.S. Fish and Wildlife Service correctly refers to these important watering holes as “livestock tanks” not “wildlife/livestock” tanks.

CO6-54 The DEIS is therefore not founded on the best available science. We urge FERC to withdraw the DEIS and issue a corrected DEIS including further research of livestock grazing and its controlled use as a tool of possible benefit to fishes, frogs, and garter snakes, consistent with Rosen’s recommendation (Rosen et al. 2001, p. 25), as an important and critical component of its revised DEIS.

CO6-55 Page 4-127 Here, the DEIS relies on outdated information and ignores the best available science.

“In the early 1980s, desert tortoise suffered a notable population decline due to an upper respiratory tract disease in Arizona, California, and Nevada. Major threats to this species consist of habitat degradation and loss from invasive plants, unnatural fire regimes, urban and agricultural development, off-road vehicle use, **overgrazing**, and illegal immigration and U.S. Border Patrol activities, habitat fragmentation from roads and highways, introduction of barriers to dispersal and genetic exchange, drought, climate change, illegal collection and vandalism, and predation from feral dogs, ravens, and humans (FWS, 2012f; Pima County, 2012c).”

The cited Pima County reports on the Sonoran Desert Tortoise are irrelevant to the Altar Valley. The US Fish and Wildlife Service has more recently, after receiving new information in the form of a 20-year study by Dr. Walter Meyer, et al., determined that livestock grazing within Arizona, all of which is managed, does not significantly affect the desert tortoise, but also found that grazing may remain a threat to the tortoise within Sonora, Mexico primarily due to the planting of fire-prone buffelgrass, ineffective livestock management and overgrazing *there*.

“In consideration of the literature presented above, we conclude that grazing effects to the Sonoran desert tortoise may occur but are likely limited in severity and scope in Arizona, because habitat shared by livestock and Sonoran desert tortoises is not a significant proportion in most areas in Arizona, and because livestock grazing in Arizona is actively managed by land management agencies (see Factor D). We also acknowledge that data generated from research on grazing effects to tortoises and their habitat are variable, making it difficult to accurately assess the risk of livestock grazing to the Sonoran desert tortoise.” (Federal Register/Vol. 75, No. 239/Tuesday, December 14, 2010/Proposed Rules AT 78120)

CO6-56 The U.S. Fish and Wildlife Service also recognizes (75 Federal Register at 78125) the threat of illegal immigration to Sonoran Desert Tortoises, citing two first hand accounts of border crossers carrying them for a food source more than 65 miles north of Mexico.

“Sonoran desert tortoises have also been documented as a food source for undocumented immigrants on their journey through the

CO6-53 See response to comment PM1-29.

CO6-54 The NRCD’s comment regarding livestock grazing benefits on wildlife is noted.

See responses to comments CO5-127 and CO6-41.

CO6-55 The major threats to the Sonoran desert tortoise listed in section 4.7.1.7 describe factors that have or could contribute to the decline of the species over its entire range. As noted in section 4.7.1.7, this species ranges from south and east of the Colorado River in Arizona south to the Rio Yaqui in southern Sonora, Mexico. Section 4.7.1.7 has been updated to clarify this information. The FERC would like to refer the commenter back to the Federal Register citation (Vol. 75, No. 239/Proposed Rule AT 78120, 2010) provided by the commenter for additional information on the Meyer et al. 2010 study, which acknowledges the “difficulty” in accurately assessing the risk of livestock grazing to the Sonoran desert tortoise.

CO6-56 The NRCS comment on potential use of Sonoran desert tortoise as a food source for illegal immigrants is noted. The EIS already discloses in section 4.7.1.7 that impacts from illegal immigration could also impact the tortoise. See response to comment PM1-10.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-56  
(cont'd)

Sonoran Desert of Arizona, specifically in the Ironwood Forest National Monument. Coping (2009, p. 4) claims that by the time undocumented immigrants reach the Ironwood Forest National Monument, many have been abandoned by their guides and left without food, water, or a sense of direction, leaving them in intense desperation (Coping 2009, p. 4). In one instance on June 2, 1997, a small group of undocumented immigrants approached a resident living within the Ironwood Forest National Monument. The immigrants had a live Sonoran desert tortoise they had captured along the way that had a rope tethered to its front leg. They told this resident that if they did not receive food from him, they planned to eat the tortoise (Coping 2009, p. 5). In another reported observation, a livestock grazing permittee on the Ironwood Forest National Monument stated that he had seen immigrants carrying tortoises, "presumably with the intent to consume. (Averill-Murray and Averill-Murray 2002, p. 29)."

Clearly, the proposed pipeline route will increase demand for tortoises as food due to facilitating illegal immigration through Sonoran desert tortoise habitat. The published mission of the Buenos Aires National Wildlife Refuge is, "Located in southern Arizona, Buenos Aires National Wildlife Refuge was established for the reintroduction of masked bobwhite quail and to restore the natural landscapes and native wildlife that depend upon it." The Pima NRCD does not recognize that harming the Sonoran desert tortoise and other native wildlife by creating an unnecessary corridor of illegal immigration through the Altar Valley could possibly "restore the natural landscapes and native wildlife that depend upon it." We therefore recommend that the DEIS be withdrawn and Sierrita resume discussion with the U.S. Fish and Wildlife Service to reconsider the east route.

CO6-57 Page 4-150: Here, the DEIS misleadingly makes "overgrazing" sound as if it is a continuing practice in the Project area today by failing to define the period when this occurred.

Prior to overgrazing and the introduction of invasive plant species, the grasslands of the Altar Valley are believed to have been similar to the Sonoran savanna grassland communities of the plains of Sonora, which include species of three-awn (*Aristida* spp.), grama grasses (*Bouteloua* spp.), windmill grasses (*Chloris* spp.), and tanglehead (*Heteropogon contortus*) (FWS, 2003). Also, mesquite (*Prosopis* spp.) was considered to be rare in the Altar Valley.

Overgrazing is not practiced in the western United States today because only a small fraction of rangeland is privately owned. On the rest, grazing permits place limits on the stocking intensity and seasonal duration allowed. Overgrazing became highly unfashionable after the drought of 1895, with massive cattle death losses and the ensuing crash in cattle market prices. The practice of overgrazing that devastated southern Arizona rangelands began to end in 1900 with the establishment of a Bureau of Grazing within the Forest Service. More rangelands were brought under regulatory control of what is now the Bureau of Land Management after passage of the 1934 Taylor Grazing

CO6-57 See response to comment PM1-7.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-57 | Act. The USDA Soil Conservation Service was established in 1935. Since that time, (cont'd) range scientists have continually improved the management of rangelands across the West, and the rangelands have continually improved with the expanding knowledge base.

CO6-58 | 4-151 Here FERC misleadingly implies that local cattlemen are antagonistic to conservation when in fact these same cattlemen, who are also active Pima NRCD cooperators, originated this project and continue to lead it.  
 “Much of the Altar Valley is still managed for livestock grazing or wildlife habitat; however, local conservation efforts are attempting to reestablish native grassland species.”  
 Contrary to FERC’s quoted statement, 493,000 acres, or about 4/5 of the 610,000 acres of desert grassland in the Altar Valley is managed for controlled livestock grazing. The remainder is excluded from livestock grazing as a policy of the Buenos Aires National Wildlife Refuge. Led by local cattle ranching families who, beginning in 1995 organized themselves, the BANWR, and additional federal agencies, conservation groups and others into the Altar Valley Conservation Alliance, local conservation efforts are re-establishing native grassland species across the entire watershed. In addition, private ranches have individually invested heavily and have achieved measurable and well-documented success in private grassland restoration efforts.

CO6-59 | Page 4-153 Inaccurate claim based on irrelevant citation.  
 “Revegetation following construction may be problematic due to livestock grazing in reclaimed areas before vegetation has become established. Grazing can contribute to the rapid spread of weeds, which can reduce habitat quality and accelerate natural fire cycles (Belsky et al., 2000).”  
 As explained herein and in much greater detail in attachment (Holechek et al., 2005) (Parker, 2007)<sup>33</sup>, (Parker, 2009), Belsky et al., 2000 reviewed only various studies showing that uncontrolled livestock grazing degrades riparian ecosystems when, in fact, only controlled livestock grazing is practiced on lands within the Altar Valley. Thus, Belsky’s conclusions are entirely irrelevant because the issue at hand involves the effects that *controlled* – not uncontrolled – livestock grazing might have on the spread of weeds. Because Belsky’s conclusions are not relevant to controlled livestock grazing, which is the only form of livestock grazing that is actually practiced on lands within the Altar Valley, those conclusions are irrelevant. Accordingly, Belsky et al. (2000) does not provide scientific evidence in support of the claim or innuendo made in this DEIS that *controlled* “livestock grazing” degrades habitat, causes the spread of weeds, and leads to wildfire presently in the proposed Project Area. A bibliography of studies showing the ecological benefits of controlled grazing is included in attachment.

CO6-60 | Furthermore, illegal immigration is by far the biggest contributor to the spread of fire-

<sup>33</sup> Parker, Dennis. Letter to FWS Field Office Supervisor Steven Spangle: Re: Petition to List the Cactus Ferruginous Pygmy Owl: Documentation Proving Lack of Substantial Information to Support Livestock Grazing as a Threat to Such at the 90 Day Petition Finding Level. April 27, 2007 (attached)

CO6-58 Section 4.8.1.1 has been updated to acknowledge that the majority of the Altar Valley is still managed for controlled livestock grazing and that local conservation efforts are attempting to reestablish native grassland species.

CO6-59 Section 4.8.1.1 has been updated to note that controlled grazing is the current practice in the Altar Valley.

CO6-60 Section 4.8.1.1 has been updated to acknowledge the impact of undocumented immigrant movement on the spread of noxious weeds.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-60] prone weeds, particularly buffelgrass, because buffelgrass is actively seeded widely  
(cont'd) across Sonora. Migrants wander or drive through the vast buffelgrass fields of Sonora picking up seeds in their clothing, backpacks and vehicles and then illegally cross the border into the remote areas of the Altar Valley. These seeds are then spread along their foot trails and along wildcat roads created by smugglers. Smuggling routes are where buffelgrass is found predominantly in southern Arizona. Recent wildfires have accordingly been remarkably concentrated along routes of illegal migration on both sides of the border.

CO6-61] If Sierrita truly cares about the potential spread of fire-prone weeds into the re-vegetation project, the company should make a far greater effort to persuade the Department of Interior to approve the eastern route and thereby avoid creating a new smuggling corridor.

CO6-62] Page 4-85 Table 4.5.3-1 inaccurately identifies livestock grazing as a threat to bobcats, mountain lions, coyotes and javelinas. There is no citation to any controlled study proving this is factual. In its present form the statement is simply defamatory.

CO6-63] Page 4-67: The DEIS is incomplete because a clear plan for revegetation is not completed.

CO6-64] The text implies Sierrita would take over management of grazing leases. Management responsibilities must be better clarified. Affected grazing permittees must be directly involved in these decisions. Pima NRCD should be brought in as a cooperating agency.

CO6-65] We recommend Sierrita enter into a Coordinated Resource Management Plan with the Pima NRCD, AZ State Lands Dept, FERC, the appropriate federal land management agency or agencies, and NRCS before the revegetation plan is finalized.

As mentioned above, Sierrita would adopt an adaptive management strategy, and would further evaluate livestock management options (e.g., grazing rotation, herd management) and other revegetation measures after the second growing season in conjunction with the FERC and other appropriate agencies.

CO6-66] Page 4-88: The DEIS is incomplete because a time frame for grazing exclusion has not been incorporated. It is recommended that where the pipeline crosses ranch boundaries, Sierrita install cattleguards. We believe the proposed route will become a permanent roadway crossing several ranches, and we are not convinced Sierrita will care about that once they are allowed to break ground. Fencing will be cut and vandalized. Gates will be left open, and cattle will not only cross pasture boundaries but ranch boundaries as well.

CO6-67] The only remedy is cattleguards. In addition, Sierrita committed to installing fencing across the right-of-way in specific or sensitive locations to minimize unauthorized vehicular access and/or livestock grazing to further promote revegetation and restoration.

CO6-68] Page 4-117: Here, by omission of significant details, the DEIS makes a scientifically unsound, defamatory statement.

The main threats to [the masked bobwhite quail] are habitat degradation and loss from livestock overgrazing, unnatural fire regimes, and possibly competition with other quail species (FWS, 2002).

First, the species is not threatened by "overgrazing" in the Altar Valley because all grazing in the valley is controlled grazing. The innuendo that overgrazing is practiced in the Project area is defamation of honest people who invest significant time and money out of their personal resources into conservation efforts and who consider themselves caring stewards of the land. Second, no study exists correlating

CO6-71]

CO6-61 The commenter's preference for the East Route Alternative is noted.

CO6-62 See response to comment CO6-50.

CO6-63 Sierrita filed revised restoration plans since issuance of the draft EIS.

CO6-64 To clarify, Sierrita would not take over management of grazing leases. Sierrita would evaluate livestock management options in conjunction with landowners and land-managing agencies if the restoration criteria discussed in the *Post-Construction Vegetation Monitoring Document* are not achieved.

CO6-65 Sierrita committed to conducting further consultations with the NRCS on the use of ESDs in the planning of revegetation and monitoring activities, and seed mixes and timing.

CO6-66 Sierrita is proposing to not develop grazing deferment plans following construction as it contends that deferments or exclusions tend to fragment grazing areas and limit the current usage. Sierrita would install measures to keep livestock away (e.g., placement of salt licks) in coordination with the landowner or land-managing agency.

CO6-67 The NRCD's comment suggesting the use of cattleguards for Sierrita's consideration is noted. We note that it would be infeasible to install cattleguards along the pipeline and that they would encourage use of the right-of-way versus restoration to preconstruction conditions.

CO6-68 The impacts discussed in the EIS are currently already impacting the Altar Valley and its residents. Section 4.9.1 acknowledges that the right-of-way would create a new north-south travel corridor for existing illegal activity within the Altar Valley. Therefore, Sierrita would implement restoration and mitigation measures that are intended to discourage both authorized and unauthorized foot and vehicle use of the right-of-way, as discussed in section 4.9.2.

CO6-69 See response to comment CO6-67.

CO6-70 The threats identified to this species in section 4.7.1.4 occur within the entire range of this species, which currently includes the BANWR and central Sonora, Mexico. Section 4.7.1.4 has been updated to clarify this statement.

CO6-71 See response to comment CO6-51 for additional information on studies that conclude that overgrazing has contributed to degradation of masked bobwhite quail habitat.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-71  
(cont'd)

significant effects of cattle grazing with the welfare of the masked bobwhite quail. Third, the last time this species thrived independently in Arizona pre-dated creation of the BANWR and the extirpation of cattle from that preserve. The bird thrived in the presence of cattle grazing on the Buenos Aires Ranch (pre-BANWR) because the land was actively managed at that time in a manner that maintained suitable habitat for the species. That management included prescribed burns, which technically fall under the category of “unnatural fire regimes.” (Sayre, 2002)

CO6-72 Page 4-123. Here the DEIS makes a false and defamatory statement.

Major threats to [the Mexican garter snake] are from habitat degradation and loss from urbanization, overgrazing, water diversions and groundwater pumping, predation by invasive species (i.e., bullfrogs and predatory fish), reduced availability of native prey base from predation/competition with nonnative species, and genetic effects from fragmentation of populations (AGFD, 2001b). This false statement defames every rancher, many of which are Pima NRCD cooperators, in the Altar Valley and everywhere else. It accuses “livestock grazing” –without any qualification whatsoever as to management, grazing intensity, utilization, breed, seasonality, rainfall, timing and grazing duration, rotation or any other critical factor–of posing a “major threat” to this listed threatened species. The attached U.S. Fish and Wildlife Service press release dated July 9, 2013, announcing the “threatened” status listing of this species, soundly refutes this false and inflammatory accusation. The press release states,

“Some northern Mexican gartersnakes occupy stock tanks, or impoundments maintained by cattlemen as livestock watering holes. Today’s proposal includes a special rule under Section 4(d) of the Act exempting operation and maintenance of livestock tanks on private, State, and tribal lands from the Act’s prohibitions on “take” of listed species. Landowners will not be in violation of the Act should they or their livestock harass, harm or kill a gartersnake during normal use, operation and maintenance of their livestock tanks.

“Livestock operations do not pose a significant threat to either gartersnake; in fact many ranchers have created and maintain habitat for northern Mexican gartersnakes,” said Spangle. “In 2002, we provided regulatory flexibility for livestock operators at threatened Chiricahua leopard frog waters. Their resulting stewardship has netted remarkable recovery advances for the frog – we anticipate similar results for the gartersnake.”

CO6-73 Please also notice that the US Fish and Wildlife Service correctly recognizes stock tanks as “impoundments maintained by cattlemen as livestock watering holes,” and “livestock tanks” in contrast to the phony “wildlife/livestock tank” nomenclature errantly used throughout this DEIS.

CO6-74 Page 4-174 Here the DEIS inaccurately implies overgrazing has occurred “throughout the 20<sup>th</sup> century . . . and resulting in a trench . . . 15-20 feet deep and up to 400 feet wide.” The innuendo here through misuse of dangling modifiers is overtly defamatory of current

CO6-72 See response to comment PM1-30.

CO6-73 See response to comment PM1-29.

CO6-74 The discussion of the Altar Wash’s change in size was not solely attributed to grazing but instead also to “fire suppression, diminished vegetation cover, and droughts followed by flood events...”

See response to comment PM1-7.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-74  
(cont'd) grazing management in the Altar Valley. No present-day rancher in the Altar Valley overgrazes the range.

For example, prior to the 20th century, the Altar Wash did not exist; there was no trench or defined channel (Sayre, 2002). However, subsequent overgrazing, fire suppression, diminished vegetation cover, and droughts followed by flood events throughout the 20th century all contributed to runoff and erosion, resulting in a trench that was originally approximately 6 feet wide and 6 feet deep early in the 20th century to become a trench measuring approximately 15 to 20 feet deep and up to 400 feet wide within the last several decades (Sayre, 2002).

Moreover, livestock tanks typically depend on water diversions from xeroriparian washes to be filled during intermittent floods, so the accusation that "water diversions" pose a "major threat" to the Mexican garter snake is likewise entirely false and defamatory.

CO6-75 Page 4-221, Table 4.14-1 on Page 4-222, summary on Page 4-224: Here, the DEIS paints an inaccurate and maliciously defamatory misrepresentation of the history of cattle grazing in southern Arizona. Domestic cattle have grazed in southern Arizona more than 300 years. Prescribed burning does not convert grasslands to scrub/shrub. In fact, just the opposite happens. Current grazing practices do not contribute to degraded ecosystems. Planting of non-native grasses was not solely to enhance grazing but also to stop soil erosion. Overgrazing ended in the 1900-1935 time frame.

4-221: "The Altar Valley has evolved from open, undeveloped Sonoran desert grassland into shrub/scrub land used primarily for cattle grazing and as open space. As noted in the FWS' CCP for the BANWR, prior to the 1800s, southern Arizona was not grazed by domestic animals. In the mid-1860s the valley became populated by large ranches and was opened to cattle grazing. The previously existing dense, varied, native grasslands were intentionally replaced through vegetation slashing, burning, and seeding by ranchers in favor of fast-growing, non-native vegetation (e.g., Lehman's lovegrass, Johnsongrass, buffelgrass) that was better able to accommodate cattle foraging needs. Not only did these actions contribute to the removal of native vegetation, but they resulted in the compaction of soils and the subsequent erosion of the watershed basin."

4-224 In summary, the Project area has been significantly impacted by past natural and human actions such as planting of non-native vegetation to support grazing activities, overgrazing, drought, fires, urban and road development, off-road foot and vehicle traffic, and the impacts associated with those activities (e.g., spread of noxious weeds, creation of gullies, erosion, littering). As such, the current conditions of the Altar Valley are not representative of the once untouched and unique Sonoran desert grassland.

The quoted paragraphs above are broadly inaccurate, as explained herein and in much greater detail in attachment (Parker, 2009). Controlled, well-managed grazing as is in practice across the Altar Valley today did not cause the loss of vegetation in the 1890's.

CO6-75 See response to comment PM1-7.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-75  
(cont'd)

That ecological disaster resulted from a combination of the worst drought on record for southern Arizona, *uncontrolled* grazing, a sudden rush to dump cattle on the market when the drought hit, and the bottom dropping out of cattle prices. (Sayre, 2002)

The claim that this destruction was "intentional" is nothing short of baseless, malicious defamation of the ranching industry and the heritage of modern ranchers who live and work on the same ranches as their ancestors did several generations before. It was never any rancher's "intention" to replace native grasslands with exotic vegetation. There is no reason for any sane person to want that because permanent removal of valuable forage has never profited anyone. We challenge FERC and FWS both to provide documented proof in support of this brazenly defamatory assertion. Ranchers both historically and today have burned rangelands to reduce shrubby invasions and restore native perennial grasses (Sayre, 2002). Prescribed fire is currently one of the tools for grass restoration in the Altar Valley (NRCS, Pima NRCD local work group minutes). After the devastation wrought by drought and overstocked rangelands from 1885-1930, bare soil needed something growing on it to halt soil erosion. Native grasses are very difficult to re-establish with the original soil structure destroyed. Lehmann's was seeded because it could quickly restore soil stability and provide a medium wherein native grasses had any chance to become re-established. The Arizona Department of Transportation has likewise seeded roadsides for soil stability with Lehmann's lovegrass.<sup>34</sup> Seeding of Lehmann's has in fact aided in restoration of native grass species.

The assertion that no domestic livestock were introduced into Arizona prior to 1860 is likewise patently false. Livestock have grazed southern Arizona for more than 300 years. The Spanish expedition led by Francisco Vasquez de Coronado in the late spring of 1540 first introduced livestock into southern Arizona. The expedition brought with it thousands of head of horses, cattle, pigs, sheep, rams and chickens from Culiacán, Sonora into southern Arizona. A year later, when these explorers reached the buffalo lands of the Great Plains east of present-day Albuquerque, they still possessed more than 2,500 head. Pedro de Castañeda wrote:

Who will be able to believe that when [a thousand horses and five hundred of our cattle, more than five thousand rams and ewes and more than one thousand five hundred persons among the allies and servants [of the expedition] were traveling across those plains [and had] finished crossing [an area] they left no more trace than if no one had ever crossed there. So much [was this so] that it was necessary to put up large heaps of bones and [bison] dung at intervals in order that the rearguard could be guided behind the [main body of the] expedition and not get lost.<sup>35</sup> When the grass is walked on, although [it is] very short, it returns upright, as unmarked and straight as it was before.<sup>35</sup>

<sup>34</sup> United States Forest Service.

<http://www.fs.fed.us/database/feis/plants/graminoid/eraleh/all.htm#MANAGEMENT%20CONSIDERATIONS> Accessed December 15, 2013

<sup>35</sup> (2012-04-16). Documents of the Coronado Expedition, 1539–1542: "They Were Not Familiar with His Majesty, nor Did They Wish to Be His Subjects"

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-75  
(cont'd)

The following excerpt is taken from Dennis Parker's 2009 comments submitted on the Draft Coronado Forest Plan Revision:

"First, as shown in the chronology of livestock presence attached, it cannot be credibly argued that the presence of livestock had no lasting ecological effects in the Southwest prior to 1880. Instead, as graphically shown in attachment, large-scale stock raising (of both large and small stock) was practiced, subject to intermittent disruption by the Apaches in particular, from 1586 on in northern Mexico and from the 1680s on in southern Arizona (Allen, 1989<sup>36</sup>).

By 1694, 100,000 head of livestock were estimated to be present on ranches which included the upper San Pedro River in southeastern Arizona and the headwaters of the San Pedro and Bavispe Rivers in northeastern Sonora (Allen, 1989). In 1700, 1040 head of livestock (including cattle, sheep and horses) were present at San Xavier del Bac near present day Tucson, while another 1000 head of cattle, along with four droves of horses, were present at nearby San Simon y San Judas del Siboda in northern Sonora (Bolton, 1919<sup>37</sup>).

In fact, by 1700, some of the larger livestock ranches established by the Spanish were those at Sonoita, Babocomari, La Arivaca (Arivaca), Calabasas, Soporí, Tubac and San Bernardino in present day southeastern Arizona (Allen, 1989). By 1701, stock ranches were also established in northern Sonora and southeastern Arizona at Caborca, Tubutama, Imuris, Quiburí (confluence of the San Pedro and Babocomari Creek), Bacoancos, Guevavi, Busaníc, San Lazaro, Saric, Santa Barbara and Santa Eulalia (Bolton, 1919).

While it is true that troubles with both the Pimas and Apaches caused the temporary abandonment of many of these livestock operations on many occasions over time, such abandonment was generally relatively short-lived in duration. For example, the Pima Revolt of 1751 lasted only a few months before peace was restored (Bancroft, 1884<sup>38</sup>), and by 1752, the Spanish had established a

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(Kindle Locations 15162-15168). University of New Mexico Press. Kindle Edition.

<sup>36</sup> Allen, L.S. 1989. *Roots of the Arizona Livestock Industry*. Rangelands 11(1): 9-13, February, 1989.

<sup>37</sup> Bolton, H.E. 1919. *Kino's Historical Memoir of Pimeria Alta, 1683-1711*. Vols. I, II. The Arthur H. Clark Company, Cleveland, Ohio. 396p., 342 p.

<sup>38</sup> Bancroft, H.H. 1884. *History Of The North Mexican States*. Vol. I. 1581-1800. A.L. Bancroft & Company, San Francisco, California. 751p.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-75  
(cont'd)

presidio at Tubac (Allen, 1989). The exception to this general condition is the time period from about 1767, when the Jesuits were expelled from New Spain (Wagoner, 1975<sup>39</sup>), to about 1800, when a period of relative peace with the Apaches ensued. During this 30-40 year time period of general abandonment, however, several large ranches were also established (Allen, 1989).

Beginning in 1800, and lasting through the early 1830s, a time of relative peace with the Apaches resulted in the reestablishment of the same ranches originally founded in the early 1700s by the Spanish. During this time period, approximately 100,000 head of cattle were present on the San Bernardino Ranch alone, and large herds were growing in the Altar, Santa Cruz and San Pedro valleys as well (Allen, 1989). The magnitude of stock raising at this time, on lands either within or adjacent to the present day Coronado National Forest, was high, as is exemplified by the many land grants petitioned for and confirmed during this time period (Wagoner, 1975; see also: chronology, attached).

By 1830, approximately 30,000 head of horses, possessed by the Apaches, were present in the Gila River watershed of present day Arizona and New Mexico (Allen, 1989), and by the early 1830s, renewed Apache depredations resulted in the abandonment of the San Bernardino again, with approximately 100,000 head of cattle going wild (Allen, 1989).

However, not all of the large ranches were abandoned during the early 1830s. The Maria Santisima del Carmen (Buena Vista), for one, was occupied continuously for stock raising from the early 1800s until 1851 (Wagoner, 1975).

Similarly, on the Babocomari, large herds of cattle and horses flourished until 1846. At that time, the Babocomari was one of the largest cattle establishments in the then Mexican state of Sonora (Wagoner, 1975). In 1846, however, renewed depredations by Apaches caused the abandonment of the Babocomari (as well as most other haciendas in the region) and resulted in many thousands of head of cattle, horses and mules going wild (Allen, 1989, Wagoner 1975). Wild cattle became abundant in southern Arizona at this time (Allen, 1989), and in 1851, Bartlett estimated that up to 40,000 head of wild cattle, plus a large number of horses and mules, then ranged along the entire length of the upper San Pedro River and its tributaries (Wagoner, 1975).

By 1855, the Canoa was occupied by Pete Kitchen and ranches adjoining the Canoa along the Santa Cruz River were also again occupied by 1857 (Wagoner, 1975). With the coming of the Civil

<sup>39</sup> Wagoner, J.J. 1975. *Early Arizona: Prehistory to Civil War*. The University of Arizona Press, Tucson, Arizona. 547p.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-75  
(cont'd)

War in 1861, and until its end in 1865, Apache depredations again accelerated and caused relocation or abandonment of many ranches. In 1862, Pete Kitchen removed his stock raising operation to Portero, northwest of present day Nogales, and was one of the few ranchers (along with Tom Gardner on Sonoita Creek) who were able to weather the Apache hostilities of the 1861-1865 time period in the Sonoita Creek / Nogales area. On the other hand, during this same time period, Pedro Aguirre established the Buenos Aires Ranch in the Altar Valley in Arizona in 1864 (F&WS, 2008<sup>40</sup>).

By 1870, Maish and Driscoll were running 300 head of cattle at the Canoa (Wagoner, 1975), and by 1876, range use in Arizona was rapidly expanding (Allen, 1989). In 1877, stock raising had become a leading industry in the Arizona Territory with hundreds of thousands of cattle coming in from adjacent states (Allen, 1989).

Although Apache depredations continued through this time period (1870-1886), ranches continued to be established - even in the Apache stronghold of northwest Chihuahua, where, in 1882, Jack Bailey of Texas reestablished the old Spanish hacienda, San Jose de Bavicora, as a massive stock raising operation (Remington, 1893).

In 1884, Texas John Slaughter purchased the old San Bernardino (Allen, 1989) and began stocking it again, and, by 1885, Maish and Driscoll were running 10,900 head of livestock on the Canoa alone (Wagoner, 1975).

By 1890, Slaughter & Lang were running 50,000 head of cattle on the San Bernardino. In 1891, 1.5 million head of livestock were estimated to be occupying Arizona's rangelands as a whole (Allen, 1989).

In 1892, the worst drought on record hit Arizona, and during that year, cattle began to die by the thousands. Fifty to seventy-five % of the animals on the range perished during the summer of 1893, and only 250 head of calves were branded between Florence and Tucson that year. By June of 1893, over 200,000 cattle were shipped from Arizona's rangelands (Allen, 1989). How many remained on the ground is a matter of conjecture, although it is highly likely that more than 50,000 head remained on the range at the drought's end.

This is because the drought did not affect everyone equally. Unlike many ranches in Arizona, the San Bernardino had a natural supply of water from the Rio Yaqui drainage and extensive water developments, including drilled artesian wells and a lake backed up by a cement dam. These natural and developed waters saved John

<sup>40</sup> Buenos Aires National Wildlife Refuge  
<http://www.fws.gov/southwest/refuges/Arizona/buenosaires/history.html> Accessed December 15, 2013

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-75  
(cont'd)

Slaughter during the severe drought of 1892-93 when many other cattlemen went under (Wagoner, 1975; Discover S.E. AZ., 2008<sup>41</sup>).

Similarly, the hacienda San Jose de Bavicora in northwest Chihuahua not only survived, but thrived during the 1892-93 time period. In 1893, 200 cowboys tended thousands of head of cattle and many horses on the San Jose de Bavicora, and there is no contemporary mention of drought (Remington, 1893<sup>42</sup>; Remington, 1895<sup>43</sup>).

Many of southern Arizona's smaller ranches, established during the 1870s and 1880s, also survived the drought of 1892-93 and began to thrive again thereafter. Today, many of these same ranches are sustainably operated by the descendants of those who founded them."

Page 4-223. Table 4.14-1

Prescribed burns...throughout the Altar Valley...Removed existing vegetation, established fast-growing vegetation (sometimes exotic species) for livestock consumption.

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<sup>41</sup> <http://www.discoverseaz.com/History/SanBernRnch.html> Accessed December 16, 2013

<sup>42</sup> Remington, F. 1893. *An Outpost of Civilization*. Harper's new monthly magazine, New York. Vol. 88 (523), December, 1893.

<sup>43</sup> Remington, F. 1895. *Pony Tracks*. Harper and Brothers, New York. 294p.

## CO6 – Pima County Natural Resources Conservation District (cont'd)

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CO6-76 *Additional inaccurate, biased, and/or defamatory Statements in the Draft EIS for Sierrita Pipeline*

We do not add comment on the following statements only because the comment period is too limited in length and the DEIS too full of inaccurate, biased, and libelous statements to allow time for us to comment on each and every one of them. We copy such statements below in protest. Many of these, however, are refuted in our comments in response to other statements and/or in attachment.

Page 4-229:

Recreation, livestock grazing, agricultural activities, and urban and residential development have also contributed to increased consumption of both surface water and groundwater in the watershed, reducing the groundwater to levels that have caused land subsidence in the northern portion of Altar Valley (see section 4.14.1.3) (Pima County, 2000).

Page 4-230:

The total amount of vegetation that may be affected by all of the Project or anticipated projects is not substantial relative to the abundance of similar habitat in the region; however, impacts resulting from construction of the proposed pipeline would result in the long-term and permanent loss of non-herbaceous vegetation and would cause an incremental increase in fragmentation of desertscrub and riparian areas. Sierrita developed and would implement a *Reclamation Plan*, *Post-Construction Vegetation Monitoring Document*, and *Noxious Weed Control Plan*, all of which would aid in restoring native vegetation. Livestock grazing; off-road vehicle use; illegal immigrant, drug trafficking, and human trafficking activities; and other land use activities have also contributed to the cumulative loss and degradation of vegetation over the years through the removal of native vegetation, introduction and spread of non-native species, alteration of the fire regime, disruption of soil conditions, and acceleration of erosion.

In general, the grazing and ranching practices, prescribed and natural burns, recreational activities, and illegal activities in the Altar Valley are ongoing and may result in future impacts on vegetation. All the projects identified in table 4.14-1 (with the exception of the restoration projects) would continue a trend toward a reduction and degradation of these vegetation communities.

CO6-76

The NRCD's general protest to the statements referenced is noted. We note that some of these protests have been previously addressed in other CO6 comment responses.

Section 4.15 has been updated to note the benefits of the fence at the U.S./Mexico border.



## CO6 – Pima County Natural Resources Conservation District (cont'd)

20131217-5021 FERC PDF (Unofficial) 12/16/2013 6:31:29 PM

CO6-76  
(cont'd)

Page 4-231: Here, FERC publishes misrepresentative and defamatory innuendo implying this is an effect of ongoing grazing practices in the Altar Valley. This statement is refuted as such in attachment: (Parker, 2007) (Holechek et al., 2005) (Fleming et al., 2004)<sup>44</sup>

Livestock grazing in riparian areas can damage riparian resources by reducing fish and wildlife habitat, causing soil erosion, and diminishing water quality and quantity. Riparian habitat also often serves as important wildlife movement corridors, and removal or degradation of this habitat can disrupt wildlife movement patterns (AGFD, 2012i). Some experts estimate that livestock grazing has damaged 80 percent of the streams and riparian ecosystems in the western United States (Belsky et al., 1999).

Page 4-231

The electrical transmission, road, and other commercial projects would presumably be required to restore areas of degraded habitat and would protect habitat from future development and other uses (e.g., grazing), thereby minimizing some impacts on wildlife and wildlife habitat.

Page 4-232

Other private activities, however, such as grazing and restoration projects would not be required to consult on special status species. Consequently, we believe that past and present projects and activities could have varying cumulative effects on special status species because these impacts would be generally tied to habitat. We do not believe that construction of the Project would result in significant cumulative impacts on special status species or their associated habitat, given that habitat types crossed are widely available for wildlife use outside of the immediate area of project disturbance, with the exception of riparian habitat. However, as discussed in section 4.14.7, based on the already reduced state of riparian habitat in the Project area, the cumulative impacts associated with the Project, when combined with the activities and projects described, are anticipated to have a long-term and adverse impact on riparian habitat.

Page 4-232

As discussed in section 4.14, the Altar Valley and Tucson area have historically evolved from open, undeveloped Sonoran desert grassland into shrub/scrub land used primarily for cattle grazing. Recent land use activities in the Altar Valley continue to be dominated by cattle grazing. However, recent activities by ranchers and land-managing agencies (e.g., BANWR, ASLD) are attempting to control erosion and, in some locations, restore the native grasslands, while continuing ranching. In addition, the establishment of the

<sup>44</sup> Fleming, W., Galt, D. and J. Holechek. "10 Steps to Evaluate Rangeland Riparian Health" and "The Montana Allotment: A Grazing Success Story". 2001. *Rangelands* 23(6). Pp. 22-27

## CO6 – Pima County Natural Resources Conservation District (cont'd)

20131217-5021 FERC PDF (Unofficial) 12/16/2013 6:31:29 PM

CO6-76  
(cont'd)

BANWR in 1985 removed approximately 118,000 acres of land in the Altar Valley from cattle grazing to be used to establish native grasslands and vegetation suitable for native wildlife and federally listed endangered species, including the masked bobwhite quail. In addition to ranching and grazing, the Altar Valley is used by undocumented immigrants and drug and human traffickers, the U.S. Border Patrol, hunters, and recreationalists. The foot and vehicle traffic associated with these users, along with prolonged drought conditions, have made it difficult to re-establish native vegetation and have in several locations established trails that are easily susceptible to erosion and the formation of additional dry washes and gullies.

Page 4-233

Because the Project would not substantially affect the current land uses, most Project-related impacts would be short-term, often lasting only for the duration of construction through that area, after which the area would be restored to its preconstruction condition.

Page 4-234

The Project, when combined with the activities and projects described, is not anticipated to have a significant cumulative impact on land use in the Project area because land uses such as grazing would be allowed to continue following construction, or recreation in the Project area because the impact from construction would be temporary and localized.

Page 4-235

The grazing and ranching practices, prescribed and natural burns, recreational activities, and illegal activities in the Altar Valley are ongoing and may result in future impacts on cultural resources. The extent of past damage to cultural resources cannot be determined because no systematic surveys throughout the Altar Valley had been completed prior to the disturbance. Similarly, the extent of potential future damage to cultural resources from grazing and ranching practices, prescribed and natural burns, recreational activities, and illegal activities in the Altar Valley cannot be predicted because these activities do not require systematic cultural resources surveys to be completed.

Page 4-238

It should be noted that the area in the vicinity of the Project, and extending into Mexico, has been significantly impacted by past natural and human actions such as planting of non-native vegetation to support grazing activities, overgrazing, drought, fires, development, fragmentation from the border fence, off-road foot and vehicle traffic, and the impacts associated with those activities (e.g., trash, creation of gullies, erosion).

Page 4-238 This statement ignores all documented ecological benefits of the trans-boundary fencing. The fencing has reduced human impacts in the areas where it exists,

## CO6 – Pima County Natural Resources Conservation District (cont'd)

20131217-5021 FERC PDF (Unofficial) 12/16/2013 6:31:29 PM

CO6-76  
(cont'd) such as eliminating the average 8 pounds of trash and human waste per illegal immigrant left behind, preventing new wildcat roads, and eliminating trampling and compaction of soils.

For example, the existing fence at the U.S./Mexico border, which extends several miles on either side of the Sasabe point of entry, has resulted in habitat fragmentation and created a barrier to large wildlife movement patterns between the United States and Mexico in this area.

CO6-77 Page 5-10

Here, FERC is attempting to make the proposed Sierrita project look good by misrepresenting and defaming ranching in the Altar Valley as practiced today as well as historically. The harm done here is that Sierrita will not be held accountable in the long term for any long-term environmental damage. Sierrita is only required to monitor vegetation for five years, whereas this DEIS claims restoration may require 50 years or more. Guess who gets the burden of that responsibility after 5 years! By default, the grazing permittee gets it, that is, if he manages to survive all the defamation currently published about him in the Federal Register. All long-term damage resulting from the pipeline installation will eventually be blamed on the grazing permittees and they will be burdened with the long-term cost of that damage. Here, FERC is already shifting the long-term responsibility to the ranching industry for the anticipated environmental damage the pipeline construction will cause.

In summary, the Project area has been significantly impacted by past human actions such as planting of non-native vegetation to support grazing activities, overgrazing, drought, fires, urban and road development, off-road foot and vehicle traffic, and the impacts associated with those activities (e.g., spread of noxious weeds, creation of gullies, erosion, littering). The significant impacts of past actions are related mainly to waterbodies, vegetation, and wildlife. Because the impacts of past actions on these resources are significant, the cumulative impacts of past actions when considered in conjunction with the Project and other present and reasonably foreseeable actions, regardless of magnitude, also would be significant. For this reason, we have focused many of our recommended mitigation measures in section 5.2 below on these sensitive resources. Regarding other resources discussed in this EIS, we have determined that the impacts of the Project when considered in conjunction with past, present, and reasonably foreseeable actions would not be significant.

CO6-77 See responses to comments PM1-7, CO5-34, and SA6-12.

Z-358

## CO6 – Pima County Natural Resources Conservation District (cont'd)

20131217-5021 FERC PDF (Unofficial) 12/16/2013 6:31:29 PM

### Attachments

CO6-78

- Arizona Farm Bureau. 2005. Economics of Arizona Agriculture.
- Fleming, W., Galt, D. and J.L. Holechek. 2001. Ten Steps to Evaluate Rangeland and Riparian Health. *Rangelands* 23(6): 22-27.
- William Fleming and Jerry Holechek. "Soil Erosion Rate on the Montana Allotment, Arivaca, Arizona, May 2002. A Consulting Report" [http://www.chiltonranch.com/images/soil\\_erosion\\_rate.pdf](http://www.chiltonranch.com/images/soil_erosion_rate.pdf)
- Holechek, J.L., Baker, T.T., and J.C. Boren. 2005. "Impacts of Controlled Grazing versus Grazing Exclusion on Rangeland Ecosystems: What We Have Learned" New Mexico State University Range Improvement Task Force Report No. 57" [http://aces.nmsu.edu/pubs/\\_ritf/RITF57.pdf](http://aces.nmsu.edu/pubs/_ritf/RITF57.pdf) Accessed December 15, 2013
- Parker, Dennis. April 27, 2007 Letter to USFWS Field Office Supervisor Steven Spangle Re: Petition to List the Cactus Ferruginous Pygmy Owl: Documentation Proving Lack of Substantial Information to Support Livestock Grazing as a Threat to Such at the 90 Day Petition Finding Level
- Parker, Dennis. Letter to Ms. Jennifer Ruyle, Coronado National Forest Re: Comments on Coronado National Forest Plan Revision Process. January 30, 2009
- Parker, Dennis. January 30, 2009. Chronology of Livestock Presence in American Southwest and Northern Mexico (1531 – 1913)
- Parker, Dennis. 2009. Citations to Publications Showing Benefits of Controlled Grazing and Selected Publications Relating to Riparian Habitat, Native Fishes and Political Ecology
- U.S. Fish and Wildlife Service News Release July 9, 2013: "Endangered species act protection proposed for two southwest gartersnakes and their habitat"

CO6-78

The NRCD's attachments are noted.

COMPANIES AND ORGANIZATIONS  
CO7 – King’s Anvil Ranch

20131217-5022 FERC PDF (Unofficial) 12/16/2013 6:45:49 PM

24

King's Anvil Ranch  
14990 South Sasabe Road  
Tucson, Arizona 85736

December 16, 2013

To: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: **Comments on the Draft Environmental Impact Statement:**  
**Docket Nos. CP13-73-000 and CP13-74-000**  
**Sierrita Lateral Pipeline Project, Pima County, Arizona**

Dear Secretary Bose:

Our family has lived in the Altar Valley in southern Arizona, on the King's Anvil Ranch, since 1895. Our ranch is located on the north end of the Altar Valley. We run a cow-calf operation, in which we breed and raise our own cattle. Throughout the years, we have worked hard to ensure that our livelihood can be passed down from generation to generation. On a daily basis, we care for our cattle and the land while simultaneously managing threats due to border security issues, encroaching development and land use issues. We are founding members of the Altar Valley Conservation Alliance.

CO7-1 We are extremely disappointed in the draft Environmental Impact Statement (DEIS) on many levels. First, we are very concerned about FERC's choice to continue to allow the applicant's desires to artificially narrow the discussion of alternatives. If FERC is solely focused on the applicant's wishes to cross the border at Sasabe regardless of the cost, why have we all been engaged in this process?

CO7-2 In that vein, we have spent countless hours contributing comments and attending meetings to help provide information with FERC and Kinder Morgan. When the DEIS was released, we were surprised to see little of our time and effort reflected in the document. The Altar Valley Conservation Alliance, and the individuals who are at the heart of it, attended the meeting on June 18, 2013 to discuss restoration plans and submitted annotated versions of Sierrita's plans. The plans contained in the appendices of the DEIS are the same plans that were released at the beginning of June. Was our time and effort worth it? It would appear not.

CO7-3 We are tired of hearing how the process should be rushed due to Kinder Morgan's in service deadline. Given that Sierrita waited until the afternoon of December 16, 2013 to file their responses, it would appear that they are not in any hurry. We realize that the docket does not close and that we will have a chance to comment on their documents now that they are filed; however, having to do that "as soon as we can," is once again putting the onus on us to rush for Kinder Morgan. Furthermore, the conclusions drawn by FERC in the DEIS are based on the information (or lack thereof) that FERC possessed at the time of the writing of the document. We have now spent additional time commenting on a document that may or may not be relevant by the time the final Environmental Impact Statement is released.

King's Anvil Ranch Comments on the Draft Environmental Impact Statement  
for the proposed Sierrita Lateral Pipeline Project - Docket Nos. CP13-73-000 and CP13-74-000

Page 1 of 2

CO7-1 See responses to comments PM1-4 and PM1-6.

CO7-2 See responses to comments PM1-15 and CO4-9.

CO7-3 See responses to comments PM1-3 and NAT4-3.

Z-360

## CO7 – King's Anvil Ranch (cont'd)

20131217-5022 FERC PDF (Unofficial) 12/16/2013 6:45:49 PM

CO7-4 Furthermore, the content that the DEIS does contain is remarkable in its editorial statements. The continued use of "overgrazing" is very misleading. Overgrazing did occur in the late 1800s and is widely acknowledged. Prior to the Taylor Grazing Act, much of the land in the west was public domain, and as such, all shared it, and none were responsible for it. We have come a long way since then, though this DEIS would have you believe otherwise. In the last fifty-plus years management practices have been instituted to counteract this action and repair previous damage. We have explained repeatedly the multitude of reasons that restoration of the right-of-way could fail, and we resent the DEIS's implication that overgrazing is ongoing and the scapegoat for likely restoration failure.

CO7-5 Kinder Morgan has entered the Altar Valley and has worked to disband the trust between neighbors and partners with the sole goal of paving their way for their project. Throughout the last year and half, we have proceeded confidently, though, believing that FERC truly was an "advocate for the process" and that participation in this process would allow the health of the watershed as a whole to remain at the center of the discussion. We entered this process knowing that location of this pipeline elsewhere was clearly the best alternative for the watershed health of the Altar Valley; we also believed that the FERC process would contain a thorough analysis of *all* alternatives with border crossing options broader than Sasabe. It would appear that we were wrong.

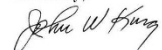
As we stated above, we are founding members of the Altar Valley Conservation Alliance. The Alliance represents the best of the Altar Valley: a collective effort to work collaboratively across private and public interests to work *for* the land. The Alliance works to manage the Altar Valley as a complete watershed, with the goal of keeping the valley open. We take pride in what we have accomplished, both on the land, and around coffee tables and in offices. This DEIS works to do the opposite: to manage the valley with little regard for the valley as a whole, and with little regard for the people living and working within the valley. In reading through the DEIS, it would appear that it is solely a check mark on the list for Kinder Morgan's plans to proceed forward.

We did not invite this pipeline and Kinder Morgan into this valley. This process was not something we sought out, to add to our to-do list. If the Sierrita Lateral is to come into our valley, Kinder Morgan and FERC need to join the rest of the individuals, organizations and agencies and focus on making decisions based on the needs of valley, and recognizing that trust is gained by actions.

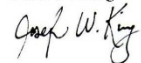
We were also active in the preparation of the Alliance's comments on the DEIS. In the interest of minimizing your paperwork, we have not reiterated each point made by the Alliance. However, we wish to make it clear that we fully support and endorse the entirety of those comments.

Thank you for the opportunity to comment on this proposal.

Sincerely,



John W. King



Joseph W. King



Patricia King



Sarah H. King

CO7-4 Section 4.4.1 has been updated to further clarify the impacts that have resulted from historic overgrazing versus current grazing practices.

CO7-5 See responses to comments PM1-4 and PM1-6.

Z-361



# COMPANIES AND ORGANIZATIONS

## CO8 – Altar Valley Conservation Alliance, Science Advisory Board

20131217-5031 FERC PDF (Unofficial) 12/16/2013 5:54:28 PM



### Science Advisory Board

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December 15, 2013

To: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

From: Altar Valley Conservation Alliance Science Advisory Board

Re: Proposed Sierrita Lateral Pipeline Project in the Altar Valley  
Draft Environmental Impact Statement  
Docket Nos. CP13-73-000 and CP13-74-000

We the undersigned members of the Altar Valley Conservation Alliance's (AVCA) Science Advisory Board, take issue with a number of the conclusions reached by the draft Environmental Impact Statement (dEIS) prepared by the staff of the Federal Energy Regulatory Commission (FERC) regarding Sierrita Gas Pipeline LLC's proposal to build a pipeline to export natural gas to Mexico near the border community of Sasabe, Arizona. The Altar Valley is the largest and least developed desert grassland watershed left in southern Arizona. It provides critical habitat to five federally listed and three proposed threatened or endangered species listed under the Endangered Species Act and is a critical portion of Pima County's Conservation Lands System created by the Sonoran Desert Conservation Plan. The Altar Valley is an ecological treasure, a watershed that provides livelihood for ranchers, recreation for residents of metropolitan Tucson, and open, unfragmented habitat for a wide range of wildlife, including jaguars. The social and environmental damage the proposed pipeline would cause far outweighs the temporary benefits of employment the construction of the pipeline would provide.

We conclude that the dEIS:

CO8-1

- 1) fails to comply with a fundamental requirement of the National Environmental Policy Act (NEPA) to thoroughly analyze "alternatives to the proposed action." FERC should adequately analyze other pipeline routes, including those along already established utility corridors in the Santa Cruz Valley or the so-called "eastern route" along Highway 286 all the way to the border at Sasabe;

CO8-1

See responses to comments PM1-4, PM1-6, PM1-9, and PM1-10.

## CO8 – Altar Valley Conservation Alliance, Science Advisory Board (cont'd)

20131217-5031 FERC PDF (Unofficial) 12/16/2013 5:54:28 PM

Z-363

- CO8-2
- 2) grossly underestimates the amount of erosion that will be caused by construction of the pipeline across “one perennial and 206 ephemeral waterbodies” and fails to demand adequate mitigation to prevent or repair such erosion. Based upon erosion-control projects AVCA has already carried out along ephemeral washes, AVCA estimates erosion-control mitigation would cost approximately \$31,000 per wash, or nearly \$6.4 million for the 206 washes the pipeline would cross;
- CO8-3
- 4) erroneously concludes that “ephemeral washes are anticipated to be dry at the time of crossing” even though construction would take place during the summer monsoon season. If and when construction takes place, it should occur during a normally dry time of the year;
- CO8-4
- 5) fails to demand adequate mitigation for the restoration of “all affected areas” that would allow the pipeline corridor to “revert to pre-construction conditions and uses.” FERC has made a decision to only consider the effects on the pipeline road and right-of-way (ROW). The agency have not expanded its analysis to areas outside of that ROW. This is unacceptable, especially for a project that crosscuts so many washes. The downstream and headcutting potential for this project have not been investigated even though AVCA has offered to share its experience and expertise. FERC needs to consult again with the US Fish & Wildlife Service (USFWS), Sierrita, AVCA, and geomorphologists and hydrological engineers to better comprehend and mitigate the range and severity of impacts;
- CO8-5
- 6) fails to address the future effects of ongoing disturbance which will be caused by the mowing or clearing of the entire right-of-way every three years, which is provided for in the operating plan;
- CO8-6
- 7) fails to recognize that such construction would create another corridor for drug- and human smuggling along one of the most active smuggling routes along the entire U.S.-Mexico border, thereby preventing the “affected areas” from reverting “to pre-construction conditions and uses.” FERC’s draft dEIS claims the Border Patrol have the resources and human power to adequately surveil the new route – an assertion we feel is optimistic at best – but does not consider the environmental damage caused by drug- and human-smugglers;
- CO8-7
- 8) fails to acknowledge or adequately mitigate for the destruction or degradation of important cultural resources, particularly sacred sites identified by the Tohono O’odham Nation. FERC needs to consult with the Nation and develop a mitigation plan to address its concerns.
- CO8-8
- In conclusion, we believe that even though the proposed restoration plan has been changed, the foundational science, goals and objectives, and methods do not provide assurances that Sierrita will meet those goals and objectives before they can walk away from their responsibilities. We suggest that FERC set vegetation and soil-based objectives that are framed in statistics (including Type I and Type II errors) and sample accordingly. Only if those objectives are met should Sierrita be allowed to call the project “complete.”
- CO8-9
- We also must point out that there is no acknowledgement about what impacts the pipeline will have on cattle operators or on the ability of the AVCA to undertake prescribed burns. Both

CO8-2 The direct and indirect impacts of the Project on soils and waterbodies are discussed in sections 4.2 and 4.3.2.6, respectively. Sierrita proposed mitigation throughout its revised Plan, Procedures, *Reclamation Plan*, and *Post-Construction Vegetation Monitoring Document*, which are included as appendices of the final EIS.

The costs associated with restoring the right-of-way would be Sierrita’s responsibility and would continue until the FERC and federal land-managing agency have determined it to be “successful” restoration.

CO8-3 See response to comment PM1-22.

CO8-4 See responses to comments PM1-24, CO5-46, CO5-75, and CO5-188.

CO8-5 See response to comment SA6-4.

CO8-6 Section 4.9.1 acknowledges that the right-of-way would create a new north-south travel corridor for existing illegal activity within the Altar Valley. Section 4.9.2 discusses the potential indirect/off right-of-way impacts associated with a new corridor.

CO8-7 The FERC is continuing its consultations under section 106 with the Tohono O’odham Nation regarding potential impacts on resources of concern to the Nation.

CO8-8 See responses to comments PM1-8, FA3-4, and SA6-12.

CO8-9 As stated in section 4.8.1.1, operation of the pipeline would not affect other types of land uses or other activities that do not directly disturb the pipeline. This includes grazing and prescribed burns, which promote and enhance vegetation and wildlife habitat and would be allowed to continue during pipeline operation.

## CO8 – Altar Valley Conservation Alliance, Science Advisory Board (cont'd)

20131217-5031 FERC PDF (Unofficial) 12/16/2013 5:54:28 PM

CO8-9  
(cont'd) FERC and Sierrita need to meet with affected landowners and with AVCA to determine impacts to cattle operations and fire plans.

Sincerely,

Thomas E. Sheridan, Ph.D.  
Research Anthropologist and Professor of Anthropology  
The Southwest Center and School of Anthropology  
University of Arizona

George Ruyle, Ph.D.  
Professor of Rangeland Management  
Marley Endowed Chair for Sustainable Rangeland Stewardship  
School of Natural Resources and the Environment  
University of Arizona

Peter Warren  
Senior Field Representative  
Tucson Field Office  
The Nature Conservancy

Charley Miller  
Elkhorn Ranch  
Altar Valley, AZ

Dan Robinett  
Robinett Rangeland Resources LLC  
Rangeland Specialist (Retired)  
USDA Natural Resources Conservation Service  
Tucson, AZ

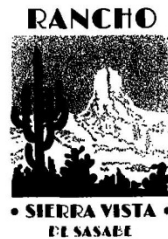
Walter Lane  
Manager  
Las Delicias and Santa Margarita Ranches  
Altar Valley, AZ

# COMPANIES AND ORGANIZATIONS

## CO9 – Rancho Sierra Vista

20131226-0013 FERC PDF (Unofficial) 12/26/2013

ORIGINAL



FILED  
SECRETARY OF THE  
COMMISSION

2013 DEC 26 A 11: 14

FEDERAL ENERGY  
REGULATORY COMMISSION

20 December 2013

Ms. Kimberly D. Bose  
Federal Energy Regulatory Commission  
888 First Street N. E.  
Washington, DC 20426

Re: Sierrita Gas Pipeline LLC, Docket Numbers CP13-73-000 and CP13-74-000

Dear Secretary Bose:

We have read with dismay the Draft Environmental Impact Statement issued by the FERC. The Commission should have been ashamed to issue a document so severely flawed and so dismissive of the concerns of the landowners in the Altar Valley, those with the most to lose if this project is permitted. It is incomplete, most analyses are unsubstantiated, it contains "creative" mathematics, makes illogical conclusions, it is bad science, and as I will demonstrate in this letter, it also contains numerous falsehoods. The Sierra Vista Ranch's detailed comments on this DEIS can be read in combination with those of other members of the Altar Valley Conservation Alliance in a separate document which we helped write.

### Alternatives

CO9-1 Our first and most strenuous objection is to the statement in the "Alternatives" section, FERC states that "a landowners wishes often tip the scale" in selecting a route. But in the same document, a variant to the route is denied because "In this instance the landowner indicated that they are not in favor of either the proposed route or the route variation." Not only have we never learned what the route that will bisect and destroy our property is (no adequate map has ever been provided to us), we had never been

CO9-1

The commenter's opposition to the Project is noted. See response to comment PM1-31.

Z-365

## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

CO9-1  
(cont'd)

informed of a variant to this proposed route until we read the DEIS. How can we have expressed disapproval of a route we have never seen or a variation we have never been informed of? In fact, despite Sierrita's numerous references to working closely with landowners, we have had exactly one meeting with them in early 2012 when Mr. Bill Biggs visited our ranch to tell us that a pipeline was being built across it and that the company would invoke eminent domain if we refused to sell a right-of-way. (Please note that our neighbor Richard Schultz of Rancho de la Osa attended this meeting as a witness.) Other than this, we have had no direct dealings with Sierrita/El Paso/Kinder Morgan

My husband and I bought our ranch ten years ago and since that time, we have worked tirelessly to restore and enrich the land. We entered into a program with US Fish and Wildlife Service to curb erosion, improve wetlands and provide additional water for wildlife. We have been the first to partner with Buenos Aires NWR and the Arizona Fire District to establish a burn program to restore fire as a naturally-occurring method for eradicating invasive plants. From 1995 until 2003 I worked as both a seasonal employee and volunteer at the national wildlife refuge; in 2002, I was named National Wildlife Refuge Volunteer of the Year for my work. I have served on the Board of the San Fernando School in Sasabe, Arizona, and continue to teach classes in natural history and ecological processes like recycling and composting to the students. I applied for and received a grant from Arizona Game and Fish to install a nature trail at the school. My husband and I built -- with our own hands and from the ground up -- a vineyard which employs earth-friendly agricultural methods. We have a ranch business plan which is based on the mission statement: "The Sierra Vista Ranch is committed to restoring degraded riparian and wetland zones, replacing woody vegetation with native grasses, and conserving open space and sparing land from development and other land-use changes. The land is managed for long-term ecological and economic resilience". We have donated our property to a conservation-based nonprofit in our will.

And what is our reward to be for this work? If the Sierrita Gas Pipeline project is approved, my land will be stolen from me and given to a soulless conglomerate of rapacious land-rapers with a dismal if not laughable environmental record. Not for the "public good" (we are not allowed to ask where the natural gas is ultimately going, we are only told it "might" benefit Mexico) but to enrich anonymous investors who will never visit the land that I have devoted the last 20 years of my life to.

I cannot deny that I have stated many times that I oppose the Sasabe Lateral project in the Altar Valley and believe it is morally wrong and environmentally inexcusable to destroy a habitat so rich in wildlife, sacred significance to Native people, and one visited by more than 30,000 birders, hikers and campers every year. I continue to hold that opinion. But I had hoped that the process for reviewing environmental harm would be more than a sour joke. Despite the statement that we have indicated we are not in favor of either route, we certainly would prefer a route that did not cross our land and we want to officially make that statement now.

Z-366

## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

CO9-2 No other alternate routes are considered by the FERC, probably because the ones described in this section have been so tortuously gerrymandered that they are laughable. It is impossible to logically conclude that a pipeline constructed in a near-pristine desert grassland will cause less environmental damage than such a pipeline constructed in a federally-designated utility corridor.

CO9-3 The reason that Sierrita gives for using Sasabe, Arizona, and only Sasabe is that "Sierrita consulted with IENova and its customer, MGISupply Ltd, and determined that the proposed crossing near Sasabe is the only viable crossing location for the Project." Has Mexico now started dictating the energy policy of the United States? Kinder Morgan has, by their own description, 82,000 miles of pipeline in the United States and Sasabe, Arizona, is the only place in Arizona that can accept natural gas? Did Sierrita and FERC think that residents of the southern end of the Valley wouldn't notice that there is currently a pipeline being blasted through the Sonoran grasslands running south into Mexico from the Border fence? Mexico is a failed state; the federal government is not in control of the northern part of the country. Members of vicious drug cartels run even tiny towns like Sasabe, Sonora, (or Rocky Point - 216 miles south of Tucson; see below) and will use the pipeline right-of-way in any method they can to facilitate drug and human smuggling into the United States. (See among others, "Mexico: Sinaloa trafficker killed in Rocky Point gunbattle"; Arizona Daily Star; 20 December 2013)

### Definition of Terms

CO9-5 What is meant by the phrase "affected but not adversely affected" regarding wildlife populations? If a population is not adversely affected, then it follows that it must be positively affected.

CO9-6 Here's a fun quiz: Which of these statements regarding the effects of the pipeline on wildlife populations *does not* show a negative effect on wildlife?:

1) "...have direct and indirect, and short-term to permanent impacts on wildlife resources" and would cause impacts which would "require anywhere from 3 to 50 years to return to preconstruction conditions."

2) "...the Project would result in the removal of vegetation...which would reduce canopy cover required by jaguars to move between habitats and to hunt. The Project would also reduce habitat used by prey species, thereby reducing prey availability and hunting success."

3) "ongoing illegal immigration, drug and human trafficking, and U.S. Border Patrol activities" all of which would be effects of the project are listed as contributing factors in habitat fragmentation which would limit the movement of these animals.

CO9-2 See response to comment PM1-6.

CO9-3 See response to comment PM1-4.

CO9-4 See response to comment PM2-39.  
Section 4.9 addresses human and drug trafficking in the Project area.

CO9-5 The language "is not likely to adversely affect" is regulatory language used in a federal agency's determination of effects on species that are federally listed under the ESA.

These definitions are derived from the Endangered Species Act (refer to the Endangered Species Act Consultation Handbook [FWS and NMFS, 1998] [http://www.nmfs.noaa.gov/pr/pdfs/laws/esa\\_section7\\_handbook.pdf](http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf)). As provided in this handbook, the definitions for "may affect, is not likely to adversely affect" and "is likely to adversely affect" used in section 4.7.1 of the EIS are as follows:

"Is not likely to adversely affect" is the appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. Insignificant effects relate to the size of the impact. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects, or expect discountable effects to occur.

CO9-6 The EIS does not portray these impacts as positive or beneficial. The purpose of the EIS is to disclose the Project-related impacts, along with reasonable or practical measures to avoid or reduce impacts, so that the decision-makers (i.e., Commissioners) can make an informed decision.



## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

CO9-6  
(cont'd) 4)"...construction activity could result in nest abandonment, overheating, chilling or desiccation of unattended eggs or young causing nestling mortality; premature fledging and/or ejection of eggs or young from the nest."

5)"Project impacts may include reduction of foraging habitat, destruction of burrows, and modifications to the species behavior and movement."

6)"The cutting, clearing and/or removal of existing vegetation would also affect amphibians by reducing the amount of available cover and foraging habitat. Construction in and along waterbodies, including ephemeral washes and livestock tanks, could alter the hydrology of micro-habitats, either degrading or destroying the habitat."

7)"The cutting, clearing and/or removal of existing vegetation in the right-of-way would destroy existing [bird] nesting sites. "The effect to shrub-dwelling species would be greater because shrub habitat would take a comparatively longer time to regenerate. **Such habitats could take 50 years or longer to regenerate...**"

[HINT: none of these impacts is neutral and certainly none is positive.]

CO9-7 Also, please define more fully the meaning of "intent" and "intention" as used by Sierrita. As when Sierrita Project Manager Lynn Christensen answers a question about response time to fence vandalism as a result of the pipeline/road, "We're not coming down there every time you get your fence cut", (public meeting at Casino del Sol, 24 June 2013) and "It is Sierrita's intent to maintain, repair, and/or replace measures that are installed to prevent unauthorized access of the ROW in coordination with the appropriate land managing agency or landowner for the life of the Sierrita Pipeline." ("Response to OEP Data Request 27 June 2013).

CO9-8 Further, please define "fire-damaged" land in the project ROW and the Altar Valley. Please identify and analyze these lands. Since 2007 the Sierra Vista Ranch has partnered with Buenos Aires NWR and the Arizona Fire District to implement a prescribed burn and monitoring program on our ranch. After two burns in 2008 and 2012, the results in curbing the growth of invasive mesquite and other undesirable shrubs has been impressive and is well-documented with yearly monitoring reports and aerial photographs which we would be happy to provide.

### Illegal Immigration and Unauthorized Right-of-Way Use

CO9-9 "...the U.S. Border Patrol is responsible for responding to any possible increase in human trafficking, narcotic trafficking, and cross border-related illegal activity resulting from the Project and...has indicated that it has sufficient resources to respond to any additional illegal activity potentially induced by the Project."

So, our question here on the Sierra Vista Ranch is: if Border Patrol has sufficient resources to respond in the future, why aren't they doing it now?

CO9-7

Regardless of Sierrita's use of the word "intent" in its response to data requests, as stated in section 5.2 under environmental recommendation No. 1, "Sierrita shall follow the construction procedures and mitigation measures described in its applications and supplements including responses to staff data requests and as identified in the EIS, unless modified by the Order." As described in in section 5.2, if the Commission authorizes the Project, we recommend that the measures identified in section 5.2 be included as specific conditions in the Commission's Order. These measures would further mitigate the environmental impact associated with construction and operation of the proposed Project in addition to those measures identified and proposed by Sierrita. Sierrita would be legally required to comply with any conditions included as a part of any Order. Therefore, Sierrita is required to adhere to the commitments made in its Project documents if the Project is approved.

We note that Sierrita would repair measures that it implements to prevent unauthorized access, but would not maintain private fences after they are restored following construction.

CO9-8

See response to comment PM1-7.

CO9-9

Section 4.9 addresses existing illegal activities in the Project area and Sierrita's proposed mitigation measures to deter unauthorized use of the right-of-way.

The U.S. Border Patrol will respond to reports of suspected cross-border related criminal activity, make arrests, and seize illicit narcotics and provide feedback to reporting parties. Like any other law enforcement organization, the U.S. Border Patrol cannot prevent all criminal activity from occurring, but it can and does respond to reports of cross-border illegal activity and makes every effort to provide an appropriate law enforcement resolution.

## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

CO9-9  
(cont'd) In the past three months, I have encountered six separate groups of men, dressed in camouflage, trying to force the gates to my yard, demanding "help" and attempting to siphon water from our tanks by prying off the metal hatches. Border Patrol confirmed that these men were not only in the country illegally, but three of them (the only ones apprehended) had previous felony convictions. During the same time period, agents discovered a truckload of marijuana on a trail on the southwest part of our property; the men who were carrying it escaped. Now, I face the prospect of a highway for these criminals and smugglers within a mile from my house. (See also "Deaths in the desert increase"; KOLD Tucson News Now; Carissa Planalp)

CO9-10 And speaking of response times, please dial 911 at the Sierra Vista Ranch and analyze how long it takes to get an ambulance. Please make an emergency call to the Pima County Sheriff's Department and time their response. Please analyze driving time to the nearest hospital in Tucson. Then, read (among many others) "Pipeline explodes, burns in rural Texas"; Irwin Seba; Reuters News Service, "Experts Eye Oil and Gas Industry as Quakes Shake Oklahoma"; Henry Fountain; the New York Times, "Milford Pipeline Fire May Burn for 36 Hours"; NBCDF.com; Frank Heinz; "Hundreds evacuated following gas explosion outside Mexican capital"; PT news service; 16 December 2013; "A very Major Tragedy", New Mexico gas-pipeline explosion kills 10"; Chris Roberts, Associated Press; 21 August 2000; 'Poorly maintained gas pipelines put increasing numbers at risk; David Cay Johnston; Remapping Debate; 20 December 2013. etc.)

CO9-11 Also, please analyze the extensive plan that Sierrita assures us has been worked out (or will be worked out...or something) with Border Patrol to protect our safety by restricting foot and vehicle access on the right-of-way. Oh, that's right -- you can't because there isn't one and we won't be able to review it anyway because of national security concerns. (See "response times" above)

### Draft Reclamation Plan

CO9-12 On page F-11 of the DEIS Volume II - Appendices, the Weather Channel is listed as a reference.

The Weather Channel? Really?

Perhaps a somewhat more detailed and comprehensive source might be considered for further analysis. Like say, the National Oceanic and Atmospheric Administration. Or the National Climatic Data Center. And please note that "Tucson" was the region "researched" regardless of the differences in elevation, temperature, precipitation, etc. between metropolitan Tucson and the Altar Valley -- yet another indication that all biomes in the path of the project are lumped together in the study.

### Wildlife

CO9-10 The commenter's statement regarding emergency response and pipeline accident articles is noted. Section 4.13.2 addresses pipeline accident data.

CO9-11 The commenter's statement regarding review of the Security Plan is noted. The FERC is not in possession of the Security Plan.

CO9-12 Comment noted. We note that this plan is Sierrita's and, as such, changes to sources, methodologies, etc. are at Sierrita's discretion.

## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

CO9-13 Why is no mention made of white nose syndrome, "...an emergent disease of hibernating bats that has spread from the northeastern to the central United States at an alarming rate. Since the winter of 2007 - 2008, millions of insect-eating bats in 22 states and five Canadian provinces have died from this devastating disease.....Despite efforts to contain it, WNS continues to spread..." (USGS National Wildlife Center) Please analyze.

CO9-14 And why do we find the phrase, "Research is lacking on many bat species"?

CO9-15 Why is no special mention made of kestrel populations when the Audubon Breeding Bird Survey and Christmas Bird Count indicate a population decline for the small falcons of 80% in Arizona in the last 40 years?

CO9-16 "breeding habitat for the golden eagle is within 10 miles of the Project area..." Please provide data regarding the extent of territorial and hunting range of a breeding pair of these birds.

CO9-17 How will the proposed dumping of hydrostatic testing water into stock tanks effect populations of reptiles and especially amphibians? And while we're on the subject of water, please justify using 17 million gallons of water on a project in an area that routinely receives 10 - 12 inches of rain per year and in a state where water conservation is (or should be) a major concern.

### Dust Abatement Procedures

CO9-19 "Coccidioidomycosis, also known as valley fever, has increased significantly in its "endemic area" which includes Arizona. A report released...by the U.S. Centers for Disease Control and Prevention says the infection...increased 'substantially' between 1998 and 2011 in the areas where it is most common - New Mexico, Utah, Nevada, California and Arizona. There were nearly 16,500 cases reported in Arizona in 2011, up from 1,475 in 1998." (Local Valley Fever cases have spiked significantly, CDC says"; Stephanie Innes, Arizona Daily Star) "...known as "cocci" [it] is an insidious airborne fungal disease in which microscopic spores in the soil take flight on the wind or even a mild breeze to lodge in the moist habitat of the lungs and, in the most extreme instances, spread to the bones, the skin, the eyes, or...the brain." (A Disease Without a Cure Spreads Quietly in the West"; Patricia Leigh Brown; The New York Times)

Given that valley fever is spread through inhalation of dust, particularly in previously undisturbed areas, and that it is "increasing substantially" in recent years, and that three schools are in the area traversed by the Sierrita Pipeline, how applicable is the boiler plate material in the DEIS regarding dust abatement procedures? When were the guidelines submitted by Sierrita written? Have any experts on the disease (Dr. Benjamin Park with the CDC or Clarisse A. Tsang, an epidemiologist from the Arizona Department of Health Services, for example) been consulted? Has the Arizona Health Sciences Center's Valley Fever Center for Excellence been contacted for updated information or consultation on the project?

CO9-13 Section 4.5.2 has been updated to include a discussion of WNS; however, the FWS has not detected WNS in Arizona to date.

CO9-14 As acknowledged in section 4.5.2, research examining the impacts of disturbance to bat species is limited; however, of the research that has been conducted, studies have shown that disturbance to roost sites can cause abandonment.

CO9-15 The American kestrel is identified as a species with the potential to occur in the Project area in both tables 4.5.1-1 and 4.5.7-1. The American kestrel is not currently listed under ESA, the FWS Birds of Conservation Concern for the Project area, nor is it identified as an Arizona sensitive species; however, it is afforded protection under the MBTA. Mitigation measures proposed to protect this species and other migratory birds is discussed in section 4.5.7.

CO9-16 Based on an interim report from the BLM on golden eagles in the Sonora and Mojave deserts of California, the distance from the nest to edge of the home range ranged from 3.4 to 32.3 miles (<http://www.dfg.ca.gov/wildlife/nongame/GEWG/docs/WVUInterimReport.pdf>). Section 4.5.7 acknowledges that golden eagle foraging habitat exists within the Project area; however, there is no suitable nesting habitat for golden eagles within the Project area. Golden eagles prefer cliffs in mountainous areas for nesting (see table 4.7.2-1).

CO9-17 In response to consultations with, and at the request of the FWS and AGFD, Sierrita committed to releasing hydrostatic test waters into livestock tanks, when the conditions outlined in section 4.3.2.8 are met in an effort to enhance livestock range conditions and wildlife habitat, and to reuse water obtained from the CAP Canal.

CO9-18 Hydrostatic testing of the pipeline is required under 49 CFR 192 of the DOT's regulations. In an effort to limit use of water resources, Sierrita committed to reusing hydrostatic test water as outlined in its *Hydrostatic Testing Best Management Practices Plan*, and would discharge hydrostatic test water into livestock tanks as outlined in section 4.3.2.8 for use by wildlife and livestock.

CO9-19 Section 4.12.1.5 addresses *Coccidioidomycosis*.

## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

### Property values

CO9-20 | "...Sierrita would compensate the landowner or agency for the use of the land." But, "This is not to say that the pipeline would not affect resale values...each potential purchaser has different criteria and differing capabilities to purchase land."

Well, fair enough. If we want to sell our ranch after a pipeline crosses it, all we would have to do is find a buyer who is looking for land that is affected by "Unauthorized roads and trails, dispersed camping sites, illegal dumping and littering, U.S. Border Patrol enforcement activities..." that "...contribute to habitat degradation and contamination."

CO9-20 The commenter's statement regarding land value following pipeline installation is noted.

Well, Secretary Bose and Ladies and Gentlemen of the Commission, I could go on and on. But, time is short and I've already missed the 16 December 2013 deadline. I regret being late with my comments, but unfortunately, I've been busy repeatedly making the 3-hour minimum commute to Tucson for meetings with lawyers and such and researching and writing comments on the DEIS. In fact, I haven't done any appreciable ranch or vineyard work for the past two months and that's unfortunate given that we're just a little operation and don't have \$105 billion to work with. If I seemed to lean a little too far toward levity, please excuse me. I haven't had much fun lately and all of the comment letters have been so serious I thought you could use a little comedy. And when I consider the short shrift you gave any of the public comments in the DEIS, I figured you don't really pay any attention to them anyway so why not?

CO9-21 The FERC continued to accept comments on the draft EIS and other related materials placed into the record past the end date of the comment period and up until the point of publication of the final EIS.

But this is a serious issue; I would estimate that I haven't slept an entire night in going on two years now. I wake up at 2 am or so from nightmares of what will happen to my ranch and the incredible valley where I live. I haven't had many visions of sugarplums dancing in my head this holiday season [ah yes, nine days before Christmas -- a particularly auspicious date to make a deadline for DEIS comments]. Instead, I see bulldozers rumbling across the Valley and I get up and start writing again so when the sun comes up I can start my ranch work.

Also see responses to comments PM1-3 and LA1-13.

Theodore Roosevelt isn't really trending these days. But, The Ole Rough Rider is one of my heroes and I would like to share some of his words with you, Ladies and Gentlemen of the Commission, because I feel that they bear directly on your decision regarding this project and the planned destruction of a pristine grassland habitat.

*"It is not what we have that will make us a great nation; it is the way in which we use it."*

And:

*"We have become great because of the lavish use of our resources. But the time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils have still further*

Z-371

## CO9 – Rancho Sierra Vista (cont'd)

20131226-0013 FERC PDF (Unofficial) 12/26/2013

*impoverished and washed into the streams, polluting the rivers, denuding the fields and obstructing navigation."*

And:

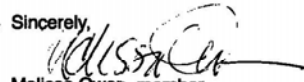
*"Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us."*

And finally:

*"I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."*

I will not beg you, because I don't think Teddy would approve of that, but I will challenge you to ignore the blandishments and questionable tactics of a mega-million dollar company and make the only decision you can morally make. Do the right thing. No Sierrita Gas Pipeline in the Altar Valley.

Sincerely,



Melissa Owen, member  
Troy McDaniel, member  
Rancho Sierra Vista de Sasabe, LLC



Z-372

# COMPANIES AND ORGANIZATIONS

## CO10 – Equine Encore Foundation

20131231-0022 FERC PDF (Unofficial) 12/31/2013



### Equine Encore Foundation

Where the Winners Retire  
Patti Shirley, Director

December 22, 2013

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SECRETARY OF THE  
COMMISSION  
2013 DEC 31 A 9 24  
FEDERAL ENERGY  
REGULATORY COMMISSION

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Docket Nos. CP13-73-000 and CP13-74-000, Sierrita Lateral Pipeline Project

Dear Secretary Bose:

Thank you for the opportunity to comment on the draft Environmental Impact Statement for the Sierrita Lateral Pipeline Project. I write today to express my concern about the project and its impact on the Altar Valley.

CO10-1 My concerns are two-fold. The environmental issues worry me as this valley is a unique but fragile desert grassland that is a key part of Pima County's Sonoran Desert Conservation Plan. As a resident of Pima County, my tax dollars have supported this Plan. It appears that the environmental risks to wildlife habitat and movement would be very high and undesirable.

CO10-2 My second concern regards the facilitation of movement of illegal immigrants and drugs. The pipeline would provide a highway for illegal trafficking through the area. We would virtually be rolling out a welcome mat for this illegal activity.

There is only one Altar Valley, and it would be criminal to destroy it!

Sincerely,

  
Patti Shirley, a Concerned Pima County  
Resident

3225 N. El Burrito Ave. • Tucson, Arizona 85705-3422 • (520) 349-6008 Fax: 887-0655  
Website: equineencorefoundation.org • Email Address: rillitorunner@aol.com

- CO10-1 Section 4.4.8 addresses Project-related impacts on desert grassland vegetation in the Project area.  
See response to comment CO5-93.
- CO10-2 Section 4.5.2 addresses Project-related impacts on wildlife.
- CO10-3 Section 4.9 addresses illegal immigration, drug trafficking, and unauthorized use of the right-of-way.

Z-373



# COMPANIES AND ORGANIZATIONS

## CO11 – Altar Valley Conservation Alliance

14990 S. Sasabe Road  
Tucson, AZ 85736



[www.altarvalleyconservation.org](http://www.altarvalleyconservation.org)

March 6, 2014

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission (FERC)  
888 First Street NE, Room 1A  
Washington, DC 20426

Regarding: Erosion Monitoring for the proposed Sierrita Pipeline Project  
Docket Numbers: CP13-73-000 and CP13-74-000

Dear Ms. Bose:

CO11-1 We note that FERC on March 5, 2014 advanced the date of final Environmental Impact Statement distribution for the proposed Sierrita Pipeline to March 28, 2014. Early last week, the Altar Valley Conservation Alliance (AVCA) reviewed the latest monitoring and reclamation plans submitted by Sierrita. We remain extremely concerned that these plans do not contain performance criteria nor monitoring methods that target watershed impacts – more specifically erosion impacts. The plans contain clear criteria with regard to vegetation restoration, but there are no companion elements related to watershed stability. This is a serious flaw. We have commented both in writing and verbally, at formal public meetings with FERC staff and in subsequent meetings with Kinder Morgan staff about these concerns, and nothing has been done to address these legitimate concerns. It appears that monitoring of erosion type impacts would be limited to visual observation during routine overflights, and Kinder Morgan specifically states that this observation is not part of formal monitoring.

Just last week, on Tuesday, February 25, 2014, AVCA board members spoke with Kinder Morgan representatives Allen Fore, Bill Biggs, and Carter Jones. We articulated our concerns, having reviewed the new submissions earlier that day. Mr. Fore and Mr. Biggs suggested that our concerns seemed reasonable, but that they could not answer my questions; rather they should be answered by Nicole Pedigo of Kinder Morgan. Mr. Fore suggested that they have Ms. Pedigo call Mary Miller to discuss to answer my questions about why these concerns were not included, and Bill Biggs stated that he would have Nicole follow up the next day. Neither Mary Miller nor other AVCA board members have heard from anyone from Kinder Morgan since this discussion over a week ago.

CO11-1 See response to comment FA3-4.

Z-374


**CO11 – Altar Valley Conservation Alliance (cont'd)**


Z-375

CO11-2 | It is imperative that FERC raise the bar regarding performance criteria related to watershed stability, and that formal monitoring of watershed stability be included in the monitoring program. Erosion problems are very likely to move upstream or downstream out of the right-of-way, and out of FERC's jurisdiction. FERC and Kinder Morgan have both repeatedly stated that they have nothing to do with issues outside of the right-of-way. Hence, it is absolutely imperative that erosion impacts associated with the proposed pipeline be identified immediately so that they may be treated before they spread, both for the good of the watershed and to assure that FERC has jurisdiction such that Kinder Morgan may be held responsible for impacts.

CO11-3 | In addition, AVCA would like to offer a suggestion related to formal monitoring of watershed impacts. Given that observation of the pipeline is already part of Kinder Morgan's routine, we suggest that aerial video and/or photography be performed during these flights. We suggest that an appropriate flight altitude be defined, such that high quality video showing a reasonable level of detail may be recorded during their routine overflights. This video could then be posted on a publicly available website, on a routine schedule, with alerts sent to interested parties at the time of video posting. The videography and public posting should be treated as a formal monitoring requirement. In this manner, the numerous public officials and private parties concerned about pipeline impacts could observe both restoration progress and problems; and concerns could be communicated to Kinder Morgan, FERC and other appropriate regulatory entities immediately.

AVCA would like to thank FERC, in advance, for its thoughtful consideration of AVCA's concerns and suggestions prior to issuance of the final Environmental Impact Statement later this month.

Sincerely,  
  
Patricia King  
President,  
Altar Valley Conservation Alliance

  
Mary Miller  
Vice-President - Programs  
Altar Valley Conservation Alliance

CO11-2      See response to comment CO5-33.

CO11-3      The AVCA's comments recommendations for Sierrita regarding video, a website, and communicating restoration concerns are noted.

**INDIVIDUALS  
COMMENTS AND RESPONSES**

INDIVIDUALS  
IND1 – Aliaa Abdel-Gawad

20131118-5001 FERC PDF (Unofficial) 11/16/2013 8:34:10 PM

Aliaa Abdel-Gawad, Tucson, AZ.  
Dear Secretary Bose:

Thank you for the opportunity to comment on the draft Environmental Impact Statement for the Sierrita Lateral Pipeline Project. I write today to express my concern about the project and its impacts to the Altar Valley.

IND1-1 I am concerned that wildlife habitat and important wildlife movement corridors will be severely affected, perhaps destroyed. This proposed project is too  
IND1-2 close to the Buenos Aires National Wildlife Refuge (important habitat for the Masked bobwhite quail, which is endangered) and the Baboquivari Mountains, which is a known habitat for the jaguar.

IND1-3 Moreover, reasonable alternatives to a pipeline crossing at Sasabe have not been  
IND1-4 analyzed. In addition, the pipeline will undermine border security.

For the reasons provided in this comment, I oppose this project.

Sincerely,

Ms. Aliaa Abdel-Gawad

- IND1-1 Section 4.5 addresses Project-related impacts on wildlife. Section 4.5.3 addresses Project-related impacts on wildlife corridors.
- IND1-2 Section 4.8.2.1 addresses potential direct and indirect impacts on the BANWR. Sections 4.7.1.1 and 4.7.1.4 address Project-related impacts on the jaguar and masked bobwhite quail, respectively.
- IND1-3 See response to comment PM1-6.
- IND1-4 Section 4.9.1 addresses border security, which was developed with assistance from the U.S. Border Patrol.

# INDIVIDUALS

## IND2 – Lucy Burton

20131127-0033 FERC PDF (Unofficial) 11/27/2013

November 22, 2013

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

ORIGINAL

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SECRETARY OF THE  
COMMISSION  
2013 NOV 27 A 10:37  
FEDERAL ENERGY  
REGULATORY COMMISSION

Re: Docket Nos. CP13-73-000 and CP13-74-000; Sierrita Lateral Project

Dear Secretary Bose,

IND2-1 I am writing in opposition of the proposed Sierrita Western Route that would result in fragmentation of  
IND2-2 wildlife habitat and open country, create new & unnecessary human travel corridor and cause erosion  
IND2-3 problems. Please consider locating this pipeline in a corridor that is already developed. Regardless of  
IND2-4 the location, please do all you can to assure that excellent restoration takes place and make sure that  
IND2-5 the project owners take responsibility for restoration throughout the life of the project.

Please also consider the following:

- IND2-6 • FERC has failed to analyze reasonable alternatives to a pipeline crossing at Sasabe.
- IND2-7 • The Draft Environmental Impact Statement acknowledges that the pipeline will undermine border security, but fails to analyze alternatives that would pose significantly less of a threat to border security.
- IND2-8 • Roger San Martin, Patrol Agent in Charge of the Tucson Station of the U.S. Border Patrol asserts, "It is my position that creating a south to north road originating at the United States-Mexico border will undoubtedly lead to a considerable increase in alien and narcotics trafficking through the area. As soon as the desert vegetation and natural obstacles are removed for construction, I believe the criminal element will immediately begin using this route for their illicit activities, even before the pipeline is completed. This will prevent the area from returning to its pre-construction state for an indefinite period. It is difficult enough to stop the illegal flow of aliens and narcotics without facilitating their smuggling activities by building them a road." (10/24/12)
- IND2-9 • The pipeline will severely impact the health of the Altar Valley grasslands, and will squander the  
IND2-10 substantial investments made to restore and protect the Valley's resources. While the Draft EIS  
IND2-11 documents some of these serious impacts, it fails to offer realistic mitigation to offset these impacts.

Thank you for your consideration.

Sincerely,  


Lucy Burton  
11 Cransbourne Circle  
Mashpee, MA 02649

- IND2-1 Section 4.5 addresses Project-related impacts on wildlife.
- IND2-2 Section 4.9.2 addresses human use of the right-of-way during and following construction.
- IND2-3 Section 4.2.1.1 addresses erosion potential as a result of the Project. Section 4.9.2 addresses indirect erosion as a result of right-of-way use.
- IND2-4 See response to comment PM1-9.
- IND2-5 See responses to comments LA1-106 and LA1-109.
- Sierrita would be required to ensure its Project follows the construction procedures and mitigation measures described in its applications and supplements including responses to staff data requests and as identified in the EIS, unless modified by any Order, and fulfills the intent of its various Project-related plans. Failure to meet certain performance standards would result in issuance of noncompliance reports and, if the violation is repeated, could result in a stop-work order or enforcement actions by the FERC.
- IND2-6 See response to comment PM1-6.
- IND2-7 As stated in section 4.9, in a letter filed with the FERC on January 22, 2013, the CBP noted accommodations can be made to alleviate or mitigate Project-related impacts.
- Also see response to comment PM1-6.
- IND2-8 Section 4.9 addresses illegal activities and unauthorized uses of the right-of-way.
- The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.
- IND2-9 Section 4.4.8.2 addresses Project-related impacts on vegetation.
- IND2-10 Section 4.4.2 addresses vegetation monitoring and restoration tracts within 1 mile of the Project. Sections 4.10.3 and 4.10.6 address Project-related impacts on public services and economy and tax revenues, including lands purchased with public funds. Section 4.8.2.2 has been updated to include Pima County's estimated amount (in acres) of mitigation land required to offset the Project's impacts on county-owned fee land and grazing leases.
- IND2-11 See response to comment NAT4-3.

Z-377

# INDIVIDUALS

## IND3 – Thomas Urmey

20131202-0006 FERC PDF (Unofficial) 12/02/2013

ORIGINAL

### SHAPIRO HABER & URMY LLP

Attorneys at Law

Thomas G. Shapiro  
Edward F. Haber  
Thomas V. Urmey, Jr.  
Michelle H. Blauner  
Ian J. McLaughlin  
Adam M. Stewart  
Rachel M. Brown  
Patrick J. Vallely  
April Kuehnhoff

November 26, 2013

FILED  
SECRETARY OF THE  
COMMISSION  
2013 DEC -2 A 10:08  
FEDERAL ENERGY  
REGULATORY COMMISSION  
E-mail: shul@shul.com

Hon. Kimberly D. Bosc, Secretary  
Federal Energy Regulatory Commission  
888 First Street  
Washington, D.C. 20426

Re: Sierrita Lateral Project; Docket Nos. CP13-73-000 and CP13-74-000; Pima Co., AZ

Dear Secretary Bosc:

I write to comment on the draft Environmental Impact Statement of your Agency (the "Agency") regarding the application of Kinder Morgan and its subsidiaries for approval of the construction of a natural gas pipeline running through the Altar Valley in southern Arizona to the Mexican border near Sasabe, Arizona. In my opinion, the Agency has failed to analyze reasonable alternatives to the proposed pipeline and failed to take adequate account of the impact the pipeline would have on the health of the Altar Valley grasslands. In addition, such a pipeline would have the effect of wasting the very substantial investments that in recent years have been made to restore and protect the valley's ecosystem, including Pima County's award-winning Sonoran Desert Conservation Plan, by directly and adversely affecting land purchased for conservation purposes by the County with millions of dollars of public funds.

Construction of the proposed pipeline would degrade the watershed hydrology in the valley, both upstream and downstream, resulting in excessive erosion and related problems. It would also degrade and fragment important wildlife habitat and movement corridors in the Valley, including proposed habitat for the endangered jaguar. Existence of such a pipeline would be inconsistent with the use of fire as a vital restoration tool in the entire area.

As the U.S. Border Patrol has acknowledged in a letter to you dated October 24, 2012, the pipeline would severely undermine security along the Arizona-Mexico border. By creating a north-south traveling route starting in one of the areas hardest hit by illegal immigration and smuggling in recent years, both the easement itself and the road proposed to run through the area would result in substantially increased alien and narcotics trafficking, endangering the safety of the ranchers and rural border landowners who live there. Such traffic, in turn, along with the Border Patrol activities that will be necessary to attempt to control it,

53 State Street, Boston, Massachusetts 02109 (617) 439-3939 Fax (617) 439-0134

- IND3-1 See response to comment PM1-6.
- IND3-2 Section 4.4.8.2 addresses Project-related impacts on vegetation.
- IND3-3 The data provided in Pima County's MSCP are cited extensively throughout the draft EIS. Also see response to comment CO5-93.
- Section 4.4.2 addresses vegetation monitoring and restoration tracts within 1 mile of the Project. Sections 4.10.3 and 4.10.6 address Project-related impacts on public services and economy and tax revenues, including lands purchased with public funds.
- IND3-4 Section 4.3.2 identifies the watersheds affected by the Project. Section 4.3.2.5 addresses the Project-related impacts on the watersheds and surface water resources, including downstream sedimentation. Section 4.3.2.6 addresses Sierrita's proposed construction procedures and mitigation measures to reduce impacts on the Project area. Section 4.2.1.1 addresses erosion potential as a result of the Project. Section 4.9.2 addresses indirect erosion as a result of right-of-way use.
- IND3-5 Section 4.4.8.1 addresses fragmentation resulting from the Project. Section 4.5.3 addresses Project-related impacts on wildlife corridors. Section 4.7.1.1 addresses Project-related impacts on the jaguar.
- IND3-6 As stated in sections 4.8.1.1 and 4.4.8.2, prescribed burns would be allowed to continue during pipeline operation. Sierrita's land management and operations staff would coordinate with local land managing agencies and landowners to discuss prescribed fire schedules and procedures in the Project area.
- IND3-7 See response to comment IND2-8.
- Section 4.9 addresses illegal activities and unauthorized uses of the right-of-way. Section 4.10.3 addresses Project-related impacts on public services.

Individual Comments

Z-378

## IND3 – Thomas Urmy (cont'd)

20131202-0006 FERC PDF (Unofficial) 12/02/2013

### SHAPIRO HABER & URMY LLP

Hon. Kimberly D. Bose  
November 26, 2013  
Page 2

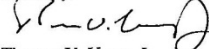
IND3-7 (cont'd) | would prevent any effective restoration of the easement area that might otherwise have been possible. And last, but hardly least, the increased criminal activity that would inevitably result if the proposed pipeline is built would require both the Border Patrol and Pima County to incur substantial additional cost as they attempted to control it.

IND3-8 | There are far more reasonable methods that would achieve the objective of transporting natural gas from the U.S. to Mexico, including the proposed Nogales route through Santa Cruz County, which have not been adequately analyzed in the draft Environmental Impact Statement.

IND3-9 | Proposed mitigation measures to be taken by Kinder Morgan have not been published in a manner that would allow public comment on them, and many mitigation measures proposed by the Agency are only suggested, without mandatory enforcement procedures to ensure that they are followed. As pointed out in November 7, 2013 letter from Pima County's Administrator Chuck Huckelberry to Kinder Morgan's Director of Public Affairs, Kinder Morgan has failed to engage in effective restoration efforts in a number of other projects with which it has been involved.

I have no direct economic interest in the Altar Valley but have visited it regularly over the last 15 years. It is an increasingly rare, and therefore increasingly valuable, resource, not only for the people and flora and fauna living there, but also to the greater public. Great efforts have been made to preserve it and they will continue on into the future. Please don't allow them to be compromised or made irrelevant by approving this ill-conceived project.

Sincerely,

  
Thomas V. Urmy, Jr.

IND3-8 | See response to comment PM1-9.

IND3-9 | See responses to comments PM1-3, NAT4-3, LA1-106, and LA1-109.

Sierrita would be required to submit weekly reports documenting its construction and restoration activities. Further, a third-party compliance monitor under the direction of the FERC would be onsite during construction documenting Sierrita's construction and restoration, and FERC staff would conduct its own inspections of the Project area during construction and restoration. Other projects not under FERC's jurisdiction have different requirements that cannot be compared to a FERC-regulated interstate pipeline in terms of restoration.

Z-379



# INDIVIDUALS

IND4 – Ralph Shelton

ORIGINAL

November 20, 2013

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Re: Sierrita Lateral Pipeline Project

Docket No. CP13-73-000

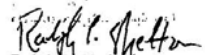
Docket No. CP13-74-000

Dear Ms. Bose,

A few years ago I lived in Arivaca, Arizona and volunteered at the Buenos Aires National Wildlife Refuge. Much earlier I lived in Tucson for close to thirty years—I was a professor. In my early days there I occasionally canoed on the Rillito River which passed close to my home. I am now concerned about the groundwater in Southern Arizona—quality and declining quantity. And the number of residents continues to rise.

Regarding the Environmental Impact Statement for the Sierrita Lateral Pipeline Project, I am very much concerned about that project and ask that it not be approved. I have heard statements that the adverse environmental impact of the proposed pipeline would be limited and that Kinder Morgan commits to doing a complete restoration. What do “limited” and “complete” mean? Limited—less than 95% of the environment would be destroyed? Complete—Kinder Morgan will fix something or other?

I understand that Congressman Raul Grijalva and representatives of Pima County have expressed concern about that project. Good for them.

  
Ralph L. Shelton  
105 D So. Paseo Sarta  
Green Valley, Arizona  
85614-7255

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SECRETARY OF THE  
COMMISSION  
2013 DEC -2 A 9 5b  
FEDERAL ENERGY  
REGULATORY COMMISSION

IND4-1

The term “limited” has been used as a relative term in the EIS. For example, “Based on the soil conditions in the Project area, there is a limited amount of topsoil.” or “Lighting needs associated with the Project would be limited to temporary lighting during construction when 24-hour activities are required...”

The term “complete” has been used to reference when FERC, in coordination with the land-managing agency or landowner, determine that restoration and revegetation goals have been achieved for a given right-of-way segment (i.e., that a plant cover has been established similar to that of the areas adjacent to the Project right-of-way that were not disturbed by Project construction within the right-of-way).

Also see responses to comments LA1-106 and LA1-109.

Z-380

INDIVIDUALS  
IND5 – Murray Bolesta

20131203-5090 FERC PDF (Unofficial) 12/3/2013 2:09:25 PM

Murray Bolesta, Green Valley, AZ.  
America's past was defined by rapacious exploitation; her future will be defined by balanced conservation and restoration.  
  
This pipeline represents a backward movement in the struggle to save what's left of our natural landscapes.

IND5-1 It's critical to preserve the integrity of the Altar Valley and protect this biologically rich and important ecosystem. This pipeline would negatively impact  
IND5-2 grasslands and combat investments already made to protect the natural resources  
IND5-3 of the area. An alternative crossing location that involves utilizing existing pipeline infrastructure or a corridor already dedicated to projects such as this is the only acceptable option.

- IND5-1 Section 4.4.8.2 addresses Project-related impacts on vegetation.
- IND5-2 Section 4.4.2 addresses vegetation monitoring and restoration tracts within 1 mile of the Project. Sections 4.10.3 and 4.10.6 address Project-related impacts on public services and economy and tax revenues, including lands purchased with public funds.
- IND5-3 See response to comment PM1-9.
- The commenter's preference for a route alternative that maximized collocation is noted.

# INDIVIDUALS

IND6 – Tony King

Z-382

CP13-73-000  
CP13-74-000

11.26.13

13 DEC -3  
13 DEC -3 PM 1:51

Dear friends

part 1 of 3

I know your work  
is important and difficult. Nobody  
wants their neighborhood torn up  
or to live with the liability of  
a pipe line passing thru it. I  
know the Altavalle pretty well.  
Enclosed are pictures of what I  
see there, to help you decide  
whether you should find an alternate  
route or not.

Kind wishes and blessings  
on your deliberations.

Tony King

Box 448 Southboro Ma. 01772 508 4810910

IND6-1

IND6-1

Section 3.5 includes an analysis of several route alternatives. The commenter's photos were added to the public file for this docket.

# INDIVIDUALS

## IND7 – Steven Bland

20131210-5005 FERC PDF (Unofficial) 12/9/2013 11:53:11 PM

steven v Bland, Tucson, AZ.  
Comments regarding the proposed Kinder Morgan pipeline through the Altar Valley of Southern Arizona

- IND7-1 One of the main issues we question is why the pipeline is not being run through the I-19 corridor that already exists and leads to Mexico, rather than digging and disrupting the Altar Valley which is recognized by the scientific community as a sensitive ecosystem. Why has FERC accepted, without question, this proposal? If the natural gas is indeed going to Mexico, then it is not clear to any of us why it should go through Sasabe, Mex., rather than Nogales. There are no major highways leading from Sasabe, Mex. into the rest of that country, while Nogales, Mex. has major highways leading south.
- IND7-2 This project would undoubtedly disrupt the vegetation of the Sonoran desert, the animal corridors, the ranches that have existed in this area for over a hundred years. As a pristine tourist attraction, the Altar Valley includes vineyards, the Buenos Aires Wildlife Refuge, various guest ranches, hiking and horseback riding. The construction of such a massive pipeline using large trucks, bulldozers and other heavy equipment, in addition to the years of maintenance, including the very real possibilities of leaks, breaks, etc., would forever change the face of this pristine area. The swath of land that would have to be kept free of vegetation in order to allow heavy equipment access would never recover.
- IND7-4
- IND7-5 The Altar Valley Conservation District has worked hard to preserve, protect and restore the land in this valley. One of their most important methods is the use of prescribed burns. How would the existence of a natural gas pipeline affect this method?
- IND7-6 We are concerned that the corridor being proposed could encourage more illegal immigration and drugs to cross over from Mexico through the Altar Valley and then onto Tucson and Phoenix and all points north. The area in question has been one of the most highly used routes for illegal drug activity in Southern Arizona. The Border Patrol has had a very difficult task in keeping this rugged area under surveillance in order to protect the lives and property of the people living there and prevent dangerously violent drug activity. Another drug corridor would put the Border Patrol under intense pressure and seriously strain their resources.

We ask that FERC seriously consider these issues and redirect this pipeline to already existing corridors such as the I-19 Santa Cruz Valley corridor.

- IND7-1 See responses to comments PM1-4 and PM1-9.
- IND7-2 Sections 4.4, 4.5, and 4.8 address Project-related impacts on vegetation, wildlife, and land use, respectively.
- IND7-3 Section 4.10.6 addresses Project-related impacts on the economy, including ecotourism opportunities. Section 4.4.8.2 addresses the impacts on vegetation resulting from Project operation. Section 4.8.5 addresses Project-related visual impacts.
- IND7-4 See response to comment PM1-17. Sections 4.4.8.2 and 4.8.5 acknowledge the long-term to permanent impacts on vegetation and visual impacts as a result of the Project. Sierrita would not create nor maintain a permanent access road along the right-of-way.
- IND7-5 See responses to comments FA3-28 and CO4-39.
- IND7-6 See response to comment CO6-6.

# INDIVIDUALS

## IND8 – Walter Taylor

Z-384

ORIGINAL

Walter M Taylor, MD  
3980 N Colton Ranch Road  
Flagstaff, Arizona 86001  
5 Dec 2013

FILED  
SECRETARY OF THE  
COMMISSION

2013 DEC 12 A 11:05

FEDERAL ENERGY  
REGULATORY COMMISSION

To: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Subject: OEP/DG2E/Gas 4  
Sierrita Gas Pipeline LLC  
Sierrita Pipeline Project  
Docket Nos. CP 13-73-000 and CP 13-74-000  
FERC/EIS-0247 D

Dear Ms. Bose:

I've visited the Altar Valley numerous times since 1956 and have been greatly impressed with the constructive programs affecting range management, erosion control, recreation access, and border security that have been implemented by Pima County, the Altar Valley Conservation Alliance, and the Border Patrol. I sent you a letter (copy enclosed) on 7 April 2013 stating several reasons why the proposed Sierrita Lateral Project should utilize the already developed utility corridor in Santa Cruz County. My family visited the Altar Valley again last week and I must say my opinion has not changed and I disagree with the EIS conclusions. Why are FERC and Kinder Morgan so determined to please the Mexican importing company that wants the pipeline to cross the border near Sasabe? Was some sort of "deal" arranged before the whole project was made public? Every border security and environmental issue is much better dealt with using the Santa Cruz Valley route with its existing utility corridor and highway access. The Border Patrol has come out in favor of the Santa Cruz Valley route. There is no facility built yet near Sasabe. The main objection in the EIS to the Santa Cruz Valley route is the added cost of pipeline going west back to Sasabe. Why not have the importing facility located near the Santa Cruz Valley border crossing? Why do Mexican import costs trump what is best for the USA?

A north-south pipeline through the Altar Valley will inevitably become a major route for smuggling and illegal immigration and therefore complicate the Border Patrol's mission and make above-ground pipeline structures subject to vandalism. If the Altar Valley route has to be used then it should follow existing Highway 286. Although it bisects the Buenos Aires Wildlife Refuge it could be buried there and cause much less watershed and erosion damage than the most western alternative close to drainage patterns from the nearby mountains. I'm not optimistic that Kinder Morgan will have a long term interest in mitigating environmental damage so the more the pipeline can follow the highway the better.

In summary I strongly advocate the Santa Cruz Valley route but if the Altar Valley must be used then the route along Highway 286 is best. Please remember that your agency should do what is best for the US people and lands and not what the Mexican company demands! Thank you for considering my points.

Sincerely, *Walter M. Taylor*

CC: Arizona Governor Jan Brewer; Senator John McCain; Senator Jeff Flake; Congresswoman Ann Kirkpatrick; Congressman Raul Grijalva;  
Congressman Ron Barber; Patricia King, President of Altar Valley Conservation Alliance

IND8-1 See response to comment PM1-9.

IND8-2 Sections 4.9.1 and 4.9.2 address the potential impacts associated with creating a new north-south corridor, including vandalism. As stated in section 4.9, in a letter filed with the FERC on January 22, 2013, the CBP noted accommodations can be made to alleviate or mitigate Project-related impacts.

IND8-3 See response to comment NAT4-9.

IND8-4 See responses to comments PM1-10, LA1-106, and LA1-109. Sections 4.4.8.2 and 4.8.5 acknowledge the long-term to permanent impacts on vegetation and visual impacts as a result of the Project.

IND8-5 The commenter's preference for the East Route Alternative is noted.

## IND8 – Walter Taylor (cont'd)

Walter M. Taylor, MD  
3980 N. Colton Ranch Road  
Flagstaff, Arizona 86001  
7 April 2013

FILED  
SECRETARY OF THE  
COMMISSION

2013 DEC 12 A 11: 05

FEDERAL ENERGY  
REGULATORY COMMISSION

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20428

Re: Docket Nos. CP13-73-000 and CP13-74-000: Sierra Lateral Project, Pima County, Arizona

Dear Ms. Bose:

My family and I have visited the Altar Valley many times since 1956 for recreational purposes. It is a beautiful natural area near Tucson and therefore of great value. I understand the proposed pipe line is to export natural gas to Mexican interests. To sacrifice a relatively pristine wildlife and agricultural area for the sole benefit of Kinder Morgan/EIPaso shareholders doesn't seem right. I would hope the gas could be used to supply needs in this country and decrease our need to import fossil fuels and thereby achieve energy independence.

If a pipeline is necessary then I strongly suggest that it should use a pre-existing route through the Santa Cruz Valley about 45 miles east of the Altar Valley. That route already has high voltage power lines, mining activity and an interstate highway. The proposed Altar Valley route creates major problems with erosion control affecting the flows off the mountains on the western edge of the Valley. Anyone familiar with the landscape will be impressed by water drainage as it shapes the landscape and actually could cause significant damage to the pipeline itself. There will also be disruption of grazing lands, fences, gates, erosion control structures, potential use of controlled fire to improve range management not to mention effects on hunting and wildlife viewing. The border security problems will be aggravated by the need to monitor a de-facto road going due north from Sasabe and the inevitable traffic through a presently pristine area with many eroded washes. The Altar Valley Conservation Alliance has developed and implemented several projects to improve range management and erosion control and these plans will be greatly affected. Pima County has invested a large amount of money and planning to improve recreational access to the Valley. All these considerations make the Altar Valley a poor choice for the pipeline project with its inevitable negative effects on the landscape and no positive benefits at all to the present recreational and agricultural values.

It makes good financial and land use planning sense to have the pipeline go down the Santa Cruz Valley along the power lines and highway route. If that means that the Mexican partners on this project have to re-think the connection 45 miles east that is their problem. To sacrifice the wonderful qualities of the Altar Valley and have a negative effect on erosion and watershed management along with ranching, recreation including hunting and increased border security issues would show poor long range planning and concern for our citizens.

Thank you for your consideration.

Walter M. Taylor, MD

cc: President Barack Obama; Arizona Governor Jan Brewer; Arizona State Land Department Commissioner; Congressman Raul M. Grijalva; Congressman Ron Barber; Senator John McCain; Senator Jeff Flake; Sally Gail, Manager Buenos Aires National Wildlife Refuge; Patricia King, President Altar Valley Conservation Alliance

We note that the letter attached to comment letter IND8 was provided during the scoping period and the issues identified in it were addressed in the draft EIS.

Z-385

# INDIVIDUALS

## IND9 – Gary Maskariniec

20131213-0011 FERC PDF (Unofficial) 12/13/2013

Docket# CP13-73-000  
CP13-74-000

ORIGINAL

December 5<sup>th</sup>, 2013

Dear Secretary Bose,


I attended the June 18<sup>th</sup> meeting at the Casino here in Tucson regarding the Sierrita Pipeline Project and made a few comments about the seed mix and revegetation plan.

IND9-1 | I am sending two recommended seed mixes for use along the Sierrita Pipeline Project: a basic mix to be used from Tucson to Three Points, & a more diverse mix to use from Three Points to the Mexican border, & particularly on the edges of washes that are traversed by the pipeline. Use of the more diverse seed mix on the edges of all the washes, say for 100 or 200 yards from the wash edge, would restore a level of native plant species diversity that has been diminished for a long time. These lists are compiled with species and quantities that are available as of now, December 2013. Due to both limited collections typical of all native seed lots, along with high demand for 2014, the exact composition of these will most likely change depending on when seed is ordered.

IND9-2 | Although there has been public comment both at the meeting and in our Daily Star newspaper that the previous Kinder-Morgan pipeline project near Tucson showed how difficult and unsuccessful desert revegetation is, that is really not the case. There was a specific reason for that project's failure, in comparison to their later successful revegetation at the Tumamoc Hill site. I have been supplying seed to revegetation jobs in Arizona for 32 years, and over thousands of projects and thousands of acres, the great majority of projects are successful. However, there have been numerous instances where a winning competitive seeding-sub-contractor bid is based on substituting a cheap and likely-to-fail seed mix. So, part of my recommendation for native seeding in general is that the seed mix be purchased directly from the seed company, as most of our customers do these days, rather than leaving the seed mix responsibility to the lowest planting-contractor-bidder. Also, I recommend Arizona Revegetation and Monitoring based in Elgin, Arizona, to do the actual planting plan and work.

IND9-3 | Lastly, there is mention of weed control in the original plan. Buffelgrass is mentioned, which will be a concern from Tucson to Three Points, generally, but from Three Points to Sasabe the greater weed problem is Lehmann's Lovegrass. Hopefully an effort to control these species both on ground disturbed by the pipeline construction and along a corridor adjacent to the disturbed ground will be made in conjunction with other weed-control projects.

IND9-4 | Although I have heard that the BANWR doesn't want the pipeline, the re-introduction of native grasses and forbs and control of Lehmann's on so much acreage would constitute significant habitat-improvement in terms of re-establishment of native local genetics, pollinator plants and wildlife food plants, as their mission includes.

  
Gary Maskariniec  
Wildlands Restoration

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COMMISSION  
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REGULATORY COMMISSION

IND9-1 | The commenter's recommended list of seed mixes for Sierrita's consideration are noted. Sierrita committed to consulting with the NRCS concerning seed mixes.

IND9-2 | The commenter's recommended seed purchase location for Sierrita's consideration are noted.

IND9-3 | Sierrita would implement its *Noxious Weed Control Plan* to mitigate for the potential spread of weeds during the Project, including buffelgrass.

IND9-4 | See response to comment PM1-10.

IND9-5 | See response to comment PM1-17. Section 4.4.8.2 acknowledges the long-term to permanent impacts on vegetation as a result of the Project. We acknowledge that successful reestablishment of native seed mixes, as recommended by the NRCS and FWS and described in the *Reclamation Plan*, would benefit the health of native vegetation communities and enhance wildlife habitat (see sections 4.4.8.2 and 4.5.2, and appendix G, of the final EIS).

Z-386



## IND9 – Gary Maskarinec (cont'd)

20131213-0011 FERC PDF (Unofficial) 12/13/2013

Wildlands Restoration  
2944 N. Castro Ave.  
Tucson, Arizona 85705  
(520) 882-0969  
garyberni@aol.com

Sierrita Basic Native Seed Mix / Tucson to Three Points / November 2013

Bulk Lbs. / Acre / Species / Common Name

1 Acacia constricta / Whitethorn Acacia\*  
1 Acacia greggii / Catclaw Acacia\*  
¼ Ambrosia deltooides / Triangleleaf Bursage\*  
¼ Aplopappus laricifolia / Turpentine\*  
1 Atriplex canescens / 4-Wing Saltbush\*  
1 Atriplex polycarpa / Desert Saltbush\*  
1/8 Bothriochloa barbinoides / Cane Beardgrass  
1/8 Bouteloua aristidoides / Needle Grama\*  
1 Bouteloua curtipendula / Sideoats Grama "Niner"  
¼ Bouteloua rothrockii / Rothrock Grama\*  
1 Cassia covesii / Desert Senna\*  
1 Cercidium microphyllum / Foothills Palo Verde\*  
½ Encelia farinosa / Brittlebush\*  
¼ Gutierrezia sarothrae / Snakeweed\*  
3.5 Larrea tridentata / Creosote\*  
1 Leptochloa dubia / Green Sprangletop  
½ Lesquerella gordonii / Bladderpod\*  
3.5 Plantago insularis / Indian Wheat  
½ Prosopis juliflora velutina / Native Mesquite\*  
½ Setaria leucophila / Plains Bristlegrass  
¼ Sphaeralcea ambigua / Desert Globemallow\*  
¼ Sporobolus airoides / Alkalai Sacaton  
1 Sporobolus cryptandrus / Sand Dropseed  
¼ Trichachne californica / Arizona Cottontop\*

\* Southern Arizona Source

Planting Rate: 20 Lbs. per Acre  
Estimated Price per Acre: \$390.00  
Estimated Cost per Lb.: \$19.50/Lb.

Z-387

Individual Comments

## IND9 – Gary Maskarinec (cont'd)

20131213-0011 FERC PDF (Unofficial) 12/13/2013

Wildlands Restoration  
2944 N. Castro Ave.  
Tucson, Arizona 85705

Sierrita Basic Native Seed Mix #2 / Three Points to Sasabe / November 2013

Bulk Lbs. / Acre / Species / Common Name

1 Acacia constricta / Whitethorn Acacia\*  
1 Acacia greggii / Catclaw Acacia\*  
¼ Ambrosia deltoidea / Triangleleaf Bursage\*  
¼ Aplopappus laricifolia / Turpentine\*  
1 Atriplex canescens / 4-Wing Saltbush\*  
1 Atriplex polycarpa / Desert Saltbush\*  
1/8 Bothriochloa barbinoides / Cane Beardgrass  
1/8 Bouteloua aristidoides / Needle Grama\*  
1 Bouteloua curtipendula / Sideoats Grama "Niner"  
¼ Bouteloua rothrockii / Rothrock Grama\*  
1 Cassia covesii / Desert Senna\*  
1 Cercidium microphyllum / Foothills Palo Verde\*  
¼ Chilopsis linearis / Desert Willow\*  
1/8 Encelia frutescens / Green Brittlebush\*  
¼ Gutierrezia sarothrae / Snakeweed\*  
1/8 Hymenoclea salsola / Cheesebush\*  
3 Larrea tridentata / Creosote\*  
1 Leptochloa dubia / Green Sprangletop  
½ Lesquerella gordonii / Bladderpod\*  
¼ Mimosa biuncifera / Wait-a-minute Bush\*  
3.5 Plantago insularis / Indian Wheat  
½ Prosopis juliflora velutina / Native Mesquite\*  
¼ Setaria leucophylla / Plains Bristlegrass  
¼ Sphaeralcea ambigua / Desert Globemallow\*  
¼ Sporobolus airoides / Alkalai Sacaton  
1 Sporobolus cryptandrus / Sand Dropseed  
¼ Trichachne californica / Arizona Cottontop\*

Planting Rate: 20 Lbs. per Acre  
Estimated Price per Acre: \$400.00  
Estimated Cost per Lb.: \$20.00/Lb.

Z-388

Individual Comments

## IND9 – Gary Maskarinec (cont'd)

20131213-0011 FERC PDF (Unofficial) 12/13/2013

Sierrita Diverse Native Seed Mix #2 / Three Points to Sasabe / November 2013  
These species to be planted in addition to the above Basic Mix for Wash Edges:

1/8<sup>th</sup> Lb. Argemone platyceras / Prickly Poppy\*  
1/8<sup>th</sup> Lb. Bahia-absinthifolia / Bahia\*  
1/8<sup>th</sup> Lb. Baileya multiradiata / Desert Marigold\*  
1/8<sup>th</sup> Lb. Bebbia juncea / Bebbia\*  
1/8<sup>th</sup> Lb. Celtis pallida / Desert Hackberry\*  
1/8<sup>th</sup> Lb. Eragrostis intermedia / Plains Lovegrass  
1/8<sup>th</sup> Lb. Eschscholtzia mexicana / Mexican Gold Poppy\*  
1/8<sup>th</sup> Lb. Helianthus annuus / Wild Sunflower  
1/8<sup>th</sup> Lb. Lepidium lasiocarpa / Peppergrass\*  
1/8<sup>th</sup> Lb. Lupinus arizonicus / Arizona Lupine\*  
1/8<sup>th</sup> Lb. Lupinus sparsiflorus / Desert Lupine\*  
1/8<sup>th</sup> Lb. Lycium sp. / Wolfberry\*  
1/8<sup>th</sup> Lb. Muhlenbergia porteri / Bush Muhly\*  
1/8<sup>th</sup> Lb. Penstemon parryi / Parry Penstemon\*  
1/8<sup>th</sup> Lb. Salvia columbariae / Desert Chia\*  
1/8<sup>th</sup> Lb. Trichachne californica / Arizona Cottontop\*  
1/8<sup>th</sup> Lb. Zinnia acerosa / Desert Zinnia\*  
1/8<sup>th</sup> Lb. Yucca elata / Soaptree Yucca\*

Estimated Additional Price per Acre: \$192  
Estimated Cost per Lb.: \$85.00

\* Southern Arizona Source

We also have the following Altar Valley native species available as nursery stock, either small revege plugs or as larger containers, and we continue to reproduce our genetic stock so that we will eventually have enough seed to offer these species in seed mixes (some as early as Fall 2014).

Native Forbs:

Acacia angustissima / Whiteball Acacia  
Agave palmeri / Palmer's Agave  
Artemesia ludoviciana / Silver Wormwood  
Calliandra eriophylla / Fairy Duster  
Cercidium floridum / Blue Palo Verde  
Clematis ligusticifolia / Wild Clematis  
Dasylirion wheeleri / Sotol  
Erigeron divergens / Spreading Fleabane  
Ferocactus wislizenii / Barrel Cactus  
Fouquieria splendens / Ocotillo

## IND9 – Gary Maskarinec (cont'd)

20131213-0011 FERC PDF (Unofficial) 12/13/2013

*Gaillardia pulchella* / S. Az. Source  
*Helioeris longifolia* / Goldeneye  
*Hymenoclea monogyra* / Burrobrush  
*Hymenothrix wislizenii* / Yellow Thimblehead  
*Janusia gracilis* / Slender Janusia  
*Machaeranthera pygmaea* / Pygmy Aster  
*Machaeranthera* sp. / Santa Cruz Big Blue  
*Machaeranthera* sp. (tephrodes) / Santa Cruz Little Blue  
*Mimosa dysocarpa* / Velvetpod Mimosa  
*Muhlenbergia rigens* / Deergrass  
*Oenothera caespitosa* / Tufted Evening Primrose  
*Olneya tesota* / Ironwood  
*Opuntia violaceae* / Santa Rita Prickly Pear  
*Opuntia engelmannii* / Engelman's Prickly Pear  
*Psilostrophe cooperi* / Paperflower  
*Ruellia nudiflora* / Violet Wild Petunia  
*Simmondsia chinensis* / Jojoba  
*Verbena goodingii* / Gooding's Blue Verbena  
*Yucca elata* / Soaptree Yucca  
*Yucca schottii* / Schott's Yucca

### Native Grasses:

*Aristida longiseta* / Spider Grass  
*Bothriochloa barbinoides* / Cane Beardgrass  
*Bouteloua aristidoides* / Needle Grama  
*Bouteloua chondrosoides* / Sprucetop Grama  
*Bouteloua curtipendula* / Sideoats Grama "Niner"  
*Bouteloua curtipendula* / Sideoats Grama "Tucson Golden"  
*Bouteloua eriopoda* / Black Grama  
*Bouteloua gracilis* / Blue Grama VNS Native  
*Bouteloua gracilis* / Blue Grama "Alma"  
*Bouteloua gracilis* / Blue Grama "Hachita"  
*Bouteloua radicata* / Purple Grama  
*Bouteloua rothrockii* / Rothrock Grama  
*Bouteloua parryi* / Parry's Grama  
*Bouteloua trifida* / Red Grama  
*Dechampsia caespitosa* / Tufted Hairgrass  
*Enneapogon desvauxii* / Spike Pappusgrass  
*Eragrostis intermedia* / Plains Lovegrass  
*Hilaria belangeri* / Curly Mesquite  
*Hilaria jamesii* / Galleta  
*Hilaria mutica* / Tobosa "Wilmot Federal Prison"  
*Hilaria rigida* / Big Galleta  
*Leptochloa dubia* / Green Sprangletop  
*Lycurus phleiodes* / Wolf tail

Z-390

## IND9 – Gary Maskarinec (cont'd)

20131213-0011 FERC PDF (Unofficial) 12/13/2013

Muhlenbergia dummosa / Bamboo Muhly  
Muhlenbergia montana / Mountain Muhly  
Muhlenbergia porteri / Bush Muhly  
Panicum obtusum / Vine Mesquite  
Pappophorum mucronulatum / Pappusgrass  
Setaria leucopila / Plains Bristlegrass  
Setaria macrostachys / Plains Bristlegrass  
Sporobolus airoides / Alkali Sacaton  
Sporobolus contractus / Spike Dropseed  
Sporobolus cryptandra / Sand Dropseed "Santa Cruz River"  
Sporobolus giganteus / Giant Spike Dropseed "Mammoth"  
Sporobolus wrightii / Giant Sacaton  
Trichachne californica / Arizona Cottontop  
Tridens muticus / Slim Tridens  
Tridens pulchellus / Fluffgrass  
Vulpia octoflora / Sixweeks Grama

# INDIVIDUALS

## IND10 – Tom McCarty

20131216-5005 FERC PDF (Unofficial) 12/13/2013 9:45:26 PM

- IND10-1 Tom E McCarty, Green Valley, AZ.  
In the draft eis the FERC has failed to properly analyze other reasonable alternatives. Foreign agency and private companies have triumphed the rights of American citizens to have a full range of reasonable alternatives considered. There are better alternatives to consider. They have been discussed. FERC has a responsibility to implement US law.
- IND10-2 Pipeline construction and the resulting easemtn will impact watershed hydrology locally as well as elsewhere downstream. Kinder Morgan has not addressed the longterm impacts to the watershed, hydrology. Where are the comments of independent hydrologists? Why was such a short timeframe allowed in the analysis? Wildlife impacts will be severe. The endangered jaguar will have his habitat impacted negatively and no workarounds have been discussed. Prescribed fires will not be possible near the gas line and this is necessary as a restorative tool for the BANWR as well as neighboring ranches. Restoration efforts ongoing in the Altar Valley will be compromised. The pipeline is incompatible with the Countys Sonoran Desert Conservation Plan.The cultural heritage of the Altar Valley will be impacted undermining substantial pblic investment into conservation efforts.
- IND10-7 Kinder Morgan has failed to address the mitigation measures they propose to reduce the significant impacts. Further, the FERC's recommendations of mitigation measures lack enforcement authority to ensure they are carried out.
- IND10-8 Consider this, other pipelines constructed by the same applicant remain according to Pima County officials "remain virtually barren after 6 years or more of restorative monitoring, and there is little confidence that restoration efforts will ever be effective".
- IND10-9 As a resident of Green Valley AZ I spend weeks in the Altar Valley and am intimate with its environment and cultural heritage. I hike and camp in the area over 60 days a year and know the proposed pipeline route will have severe negative consequences that have not been addressed by Kinder Morgan. My outdoor recreation and that of people I take with me to enjoy the area will be severely impacted in a bad way. An undisturbed natural and cultural heritage will be forever damaged and lost to those of us that cherish and enjoy it.

- IND10-1 See response to comment PM1-6.
- IND10-2 Section 4.3.2 identifies the watersheds affected by the Project. Section 4.3.2.5 addresses the Project-related impacts on the watersheds and surface water resources, including downstream sedimentation. Section 4.3.2.6 addresses Sierrita's proposed construction procedures and mitigation measures to reduce impacts on the Project area.  
  
Also see response to comment PM1-21.
- IND10-3 As discussed in the introduction to section 4, our analysis considered four levels of impact duration: temporary, short-term, long-term, and permanent. Temporary impacts generally occur during construction, with the resources returning to pre-construction conditions almost immediately afterward. Short-term impacts would continue for approximately 3 years following construction. Impacts were considered long-term if the resources would require more than 3 years to recover, but would be expected to recover during the life of the proposed Project. Permanent impacts would occur as a result of activities that modify resources to the extent that they would not return to pre-construction conditions within 50 years, such as clearing of old growth forest or conversion of land to an aboveground facility site.
- IND10-4 Section 4.5.2 addresses Project-related wildlife impacts and Sierrita's proposed mitigation. Section 4.7.1.1 addresses impacts on the jaguar and its designated critical habitat.
- IND10-5 See responses to comments FA3-28 and CO4-39.
- IND10-6 See response to comment CO5-93.  
  
Section 4.4.2 addresses the MSCP and the Maeveen Marie Behan Conservation Lands System lands. Section 4.8.2.2 has been updated to clarify conservation lands system areas crossed and their guidelines.
- IND10-7 See responses to comments PM1-15, LA1-106, and LA1-109.
- IND10-8 As discussed in section 4.4.8, the degree of impact on vegetation associated with the Project would depend on the rate at which the vegetation regenerates after construction.  
  
Also see response to comment PM1-17.  
  
We also note that other projects not under FERC's jurisdiction have different requirements that cannot be compared to a FERC-regulated interstate pipeline in terms of restoration.
- IND10-9 The commenter's statements regarding impacts on recreation and the natural and cultural heritage are noted.

INDIVIDUALS  
IND11 – Francis Henckler

20131216-5008 FERC PDF (Unofficial) 12/14/2013 12:56:25 PM

Francis Henckler, Morris Twp, NJ.  
To:  
Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

Dear Secretary Bose,

My family and I have vacationed in the Altar Valley for almost twenty years, my daughter lives in the valley and my son works in the valley. We have friends that live in the valley and have worked to conserve the valley as a valuable part of the state and our nation. My wife and I plan to retire to this area.

My wife and I have followed the proposed pipeline and believe that the work done to evaluate the impact upon the people and land is inadequate in that it does not completely assess the damage to be done or the possible alternatives.

Specifically:

- IND11-1 | 1) The documentation seems to defer to the request made of KINDER MORGAN by a company that is foreign owned and has no motivation to protect the people and land involved. Do you have documentation of PEMEX or other investors protecting the land and people of the US? Isn't the other investor from Japan? What justification is there for allowing their request drive the KINDER MORGAN proposed route? Can't they be told to use an alternative route?
- IND11-2 | 2) It appears to us that the US vendor/supplier should better analyze another option rather than inflict such damage upon the Altar Valley. For instance, Santa Cruz County and the City of Nogales, Arizona, asked that the Nogales routes be adequately analyzed. The FERC study seems to be so biased that it does not comply with the spirit or letter of US law and pertinent regulations that might apply. What do you think of Nogales as a better venue?
- IND11-3 | 3) The proposed pipeline and habitat destruction will have the effect of creating a drug/crime corridor in a rural area that our government is already struggling to secure. My wife and I have personally seen the drug transporters and other undocumented people in this rustic area. The distribution and subsequent "road" atop the pipeline will be used to further increase crime and illegal immigration. I have seen "restoration" above a pipeline. It is nothing more than an unpaved dirt road that will be used for to transport more drugs. Isn't that what FERC documentation already shows?
- IND11-4 | 4) How did FERC respond or value the following professional opinion of Agent Mr. Roger San Martin of the Tucson Border Patrol? "... It is difficult enough to stop the illegal flow of aliens and narcotics without facilitating their smuggling activities by building them a road." in his letter of October 24, 2012 written to you?
- IND11-5 | 5) How does FERC respond to the statement by Pima County that other pipelines constructed by the same applicant "remain virtually barren after 6 years or more of restoration monitoring, and there is little to no confidence that restoration efforts will ever be effective . . . ", Letter from County Administrator Chuck Huckelberry to Allen Fore, Director Public Affairs, Kinder Morgan, November 7, 2013.

IND11-1 | See response to comment PM1-4.

IND11-2 | See responses to comments PM1-4, PM1-6, and PM1-9.

IND11-3 | As discussed in section 4.9.2, Sierrita proposed several restoration measures to deter use of the right-of-way following construction. Sierrita would not create nor maintain a road for its use along the permanent right-of-way. The EIS acknowledges that the proposed mitigation measures may not completely deter off-road vehicle use or pedestrian traffic along the right-of-way, but they may help to deter vehicular traffic. FERC acknowledges that some pipelines do maintain access roads directly on the right-of-way; however, Sierrita is not proposing permanent access along its right-of-way.

IND11-4 | Sierrita would not create nor maintain a road for its use along the permanent right-of-way. The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.

IND11-5 | See response to comment IND10-8.



IND11 – Francis Henckler (cont'd)

20131216-5008 FERC PDF (Unofficial) 12/14/2013 12:56:25 PM

IND11-6 | 6) Can you show us the studies of alternative routes ( IE. Nogales or ...) that FERC has made? that FERC has not made but has evaluated? Surely, the commercial parties proposing such a disruptive can make a great deal of profit though less disruptive alternatives. Will you please make them seek a less disruptive alternative?

IND11-7 | 7) Will you please show me two other thorough evaluations of alternative routes?

IND11-8 | 8) Has FERC prepared an analysis of the impact upon the people (our family and friends), homes and communities as they will be effected five and fifteen years from now? If so, may we have a copy?

Katherine and I know that natural gas is a growth industry for our country. It is also a industry with many dangerous hazards that must be managed properly and we ask you to use the power and knowledge of FERC to accomplish a safer and less damaging pipeline.

Thank you for considering our opinion and requests, Secretary Bose. Katherine and I await your response.

Francis Regis Henckler

IND11-6      See responses to comments PM1-6 and PM1-9.

IND11-7      See response to comment PM1-6.

IND11-8      The EIS addresses the proposed Project’s construction and operation impacts on the human and natural environment and discusses the time frames of these impacts (see introduction of section 4.0). If a particular human or environmental resource was anticipated to be affected by the Project in 5 or 15 years (as noted by the commenter), these are associated as long-term impacts and are identified as such in the EIS.

# INDIVIDUALS

## IND12 – Delores Kimmel

20131216-5011(28985627).txt

Delores Kimmel, Newton, MA.  
December 15, 2013

To: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

From: Delores Kimmel (private citizen)  
39 Freeman St.  
Newton, MA 02466  
Eli.kimmel@gmail.com  
617-332-4007

Re: Docket Nos. CP13-73-000 and CP13-74-000, Sierrita Lateral Project

Dear Secretary,

I am strongly opposed to the proposed Sierrita Western Route that will go through the Altar Valley area of Tucson, Arizona. My interest in this project not happening is because I have been coming annually to this area for vacation at a guest ranch in the Altar Valley for the last 17 years. I would hate to see the health and integrity of the beauty and natural terrain of this area be ruined with the construction of a natural gas pipeline going through the heart of the Altar Valley.

IND12-1 | My understanding is that the pipeline would result in fragmentation of wildlife habitat and open country with the additional unnecessary human travel and erosion. There has been a lot of money and effort and resources put in to conserving this land and endangered animals. I have even seen some of the programs to stop erosion of the grasslands. The pipeline would reverse a lot of these efforts, and Kinder Morgan has not offered realistic mitigation to offset these impacts. In previous pipeline projects by Kinder Morgan, their restoration promises have not come to fruition. How can we know that their promises in relation to the Sierrita Project will be carried out?

IND12-2 | The pipeline will allow an easement that will increase the illegal immigration and smuggling in this area and cause a setback to the recent gains that the US Border Patrol have had in securing the border in the Altar Valley. And an unsecured border threatens the security and safety of homeowners and ranchers in this area, and possibly my family who are guests at a local ranch every year. This is a specific worry to me. I see the remnants of the illegals going through here. The last few years it has been more of drug smuggling activity. Nothing has happened to me personally, but if the traffic increases, you just don't know.

IND12-3 | I feel that there are better alternatives that have not been explored and analyzed fully by FERC; options where there is already a utility corridor, already developed

Page 1

IND12-1 | Section 4.5.2.1 addresses Project-related impacts from construction on fragmentation of wildlife habitat. Section 4.4.2 addresses vegetation monitoring and restoration tracts within 1 mile of the Project.

Also see responses to comments PM1-17, LA1-106, and LA1-109.

IND12-2 | Sections 4.9.1 and 4.9.2 address the potential impacts associated with creating a new north-south corridor. As stated in section 4.9, in a letter filed with the FERC on January 22, 2013, the CBP noted accommodations can be made to alleviate or mitigate Project-related impacts.

IND12-3 | See responses to comments PM1-6 and PM1-9.

## IND12 – Delores Kimmel (cont'd)

IND12-3  
(cont'd) 20131216-5011(28985627).txt  
areas, or corridors that would have less of an impact on the environment. You owe it to us as American Citizens who enjoy the beauty of this part of the country to look in to alternatives, and not take the word of the company, Kinder Morgan, who wants to make money off of the project.

In conclusion there are many reasons that this is not the best area for a 36-inch natural gas pipeline to be constructed, and I feel that FERC has not adequately looked in to better alternatives that will have less impact on the land, the wildlife, illegal activity, the people living in the Altar Valley and the people who visit and enjoy the beauty of the Altar Valley.

I hope you will consider my comments.

Thank you,

Delores Kimmel  
39 Freeman St.  
Newton, MA 02466  
617-332-4007  
eli.kimmel@gmail.com

# INDIVIDUALS

## IND13 – Patricia King

20131216-5052 FERC PDF (Unofficial) 12/16/2013 10:04:07 AM

December 10, 2013

Kimberly D Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket Nos. CP13-73-000 and CP13-74-000  
FERC/EIS-Q247D, published October 2013  
Sierrita Lateral Pipeline Project

Dear Ms. Bose:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement for the proposed Sierrita Pipeline Project.

- IND13-1 In reading the dEIS, I went to your section of Purpose and Scope. In reading your description of proposed alternatives it looks as though FERC has taken the position of Kinder Morgan. There is no other alternative that you are considering. You accept the fact that the crossing must be at Sasabe with no justification except that you are considering. The fact that they signed a contract before even this Draft EIS was out should not bind FERC.
- IND13-2 Kinder Morgan says it must be there. The fact that they signed a contract before even this Draft EIS was out should not bind FERC.
- IND13-3 I also question that the substance of information within this Draft Environmental Impact Statement document is accurate, reliable and unbiased. The continued use of "overgrazing" is very misleading. There had been overgrazing around the turn of the century and some damage to the environment was done, but in the last 50+ years there is documentation of management practices to counteract this action and repair previous damage. This Draft EIS document throws that term in with such recklessness as if overgrazing is ongoing. We have monitoring documentation in the Altar Valley which records 50 years of proper controlled grazing use, do you have proof otherwise? I would like to see that documentation or see the word 'overgrazing' removed. (pp 4-117,4-123, 4-127, 4-150, 4-174, 4-221, 4-224, 4-233, 4-238, 5-10)
- I also became concerned about the tone of some comments being made:
- IND13-4 The comment (4-29) "Recently, some ranchers have modified livestock grazing management to control erosion, and efforts are ongoing to restore impacted washes and watersheds." Recently? Really? We have documentation dating back 40-50 years and more. What information do you have which allowed you to make this statement?
- IND13-5 4.3.2 "Starting in the mid-1860s cattle grazing was introduced to southern Arizona, and is thought to have significantly contributed to the removal of vegetation, compaction of soils, and subsequent erosion of the watershed basin." This comment probably refers to historical data of the Buenos Aries. In the article written

Patricia King Comments on the proposed Sierrita Lateral Project DEIS - 1

- IND13-1 See responses to comments PM1-4 and PM1-6.
- IND13-2 The EIS is not a decision-making document. As stated in section 3.1, the Commission has two possible courses of action in processing applications under section 7 of the NGA: 1) deny the requested authorization, or 2) grant the Certificate with or without conditions.
- IND13-3 See response to comment PM1-7.
- IND13-4 See response to comment PM1-7.
- IND13-5 Section 4.3.2 has been updated to reflect additional information regarding historical cattle grazing.

Z-397

## IND13 – Patricia King (cont'd)

Z-398

20131216-5052 PERC PDF (Unofficial) 12/16/2013 10:04:07 AM

- IND13-5 (cont'd) | in Rangelands Magazine Feb 1989, "Roots of Arizona Livestock Industry" by Larry Allen, published by Society for Range Management, cattle had been in Altar Valley since 1700's.
- IND13-6 | (p 4-33) Reference is made to "wildlife/livestock tanks". These tanks are built and water rights reserved by the ranches. They are an improvement the ranchers pay taxes on. They are used by wildlife and welcome but they would not exist if the ranch did not have them built and maintained. That water right is private property.
- IND13-7 | On page 4-47, there is a quote from a Nature Conservancy opinion, "and type conversion to shrubland that is either permanent or would require 40 plus years of livestock exclusion for partial recovery of perennial grasses." As we saw in our "Resource Assessment of the Altar Valley"(2000), there were areas in the Altar Valley in poor condition which had cattle removed for 20 years and areas which were grazed. Land condition and soil stability has more to do with management of the land than just removing cattle.
- IND13-8 | P 4-56 "However, due to livestock grazing practices, fire has been historically suppressed in Scrub-Grasslands, contributing to the expansion and dominance of scrub species (FWS, 2003)." Grazing is not the only practice which is responsible for fire suppression. There has been 70 years of "Smokey Bear" policy and urbanization policies which are also impacts which contribute to fire suppression and shrub encroachment.
- IND13-9 | Table 1.3-1 In the comment "have reduced or degraded riparian habitat in the western United States.", urbanization and off highway roads should also be included. How would grazing be a potential problem for reclamation? One or two cow tracks would not impact an entire 60 miles of reclamation? (P 4-59, 4-66)
- IND13-10 | (P 4-67) "Sierrita would adopt an adaptive management strategy, and would further evaluate livestock management options (e.g., grazing rotation, herd management) and other revegetation measures after the second growing season in conjunction with the FERC and other appropriate agencies." Reasons for failure of revegetation are not caused by cattle. Are you saying the reason other pipelines are not revegetated is because of cattle? Is Sierrita planning to dictate our grazing rotation and management? Our concerns are
- IND13-11 | vehicular and human traffic impacts. What kind of adaptive management strategy is Sierrita planning for those impacts?
- IND13-12 |
- IND13-13 | (p 4-71) "Local land-managing agencies and landowners, including BANWR, are currently implementing prescribed burns in Scrub-Grassland communities to reduce scrub, such as mesquite, snakeweed, and burrowweed; rehabilitate native grasses;" Altar Valley Conservation Alliance was formed in 1995 by ranching families who wanted to work together to address conservation issues and bring state and federal agencies together to bring fire back to the landscape for the purpose of reducing encroaching shrubs and weeds and encourage native grasses. Ranchers were doing prescribed burns years before BANWR began burning.
- IND13-14 | Regarding the Desert Tortoise, what documentation is available proving overgrazing is occurring thereby reducing habitat for the tortoise? Cattle actually provide a food source for turtles. (p 4-127)
- IND13-15 | (P 4-153) The comment "Grazing can contribute to the rapid spread of weeds, which can reduce habitat quality and accelerate natural fire cycles (Belsky et al., 2000)." Actually "land disturbance" is a better truer phrase to use than grazing. You make many references to Belsky, but Belsky did his study looking at uncontrolled grazing. Because Belsky's conclusions are not relevant to controlled livestock grazing, or the only

Patricia King Comments on the proposed Sierrita Lateral Project DEIS - 2

- IND13-6 | See response to comment PM1-29.
- IND13-7 | Section 4.4.1 has been updated with additional information on vegetation composition; the information provided by the Nature Conservancy reference and map have been removed from the final EIS.
- IND13-8 | This section has been updated to include past government fire management policies as another reason for historic fire suppression.
- IND13-9 | Section 4.4.8.2 has been updated accordingly.
- IND13-10 | During FERC's inspections of pipeline projects throughout the United States, grazing impacts (from both wildlife and domestic animals) have been shown to present unique challenge to restoration and/or reduce revegetation success. Grazers are attracted to the uniform tender young shoots that rights-of-way provide during restorations. As such, in some cases restoration that was occurring has been completely destroyed by impacts from grazing animals. However, we acknowledge that grazing may not be the only factor that is responsible in all cases.
- IND13-11 | See response to comment CO5-121.
- IND13-12 | Section 4.9 addresses the direct and indirect impacts associated with unauthorized use (foot and vehicle) of the right-of-way. Section 4.9.2 describes the measures Sierrita would implement to deter unauthorized use of the right-of-way following construction. Sierrita would continue annual monitoring until the FERC and/or the BANWR determines that the restoration and revegetation goals have been achieved (i.e., that a plant cover has been established similar to that of the areas adjacent to the Project right-of-way that were not disturbed by Project construction). In addition, Sierrita would complete restoration activities and monitoring as specified in its easement agreements with the individual landowner or land-managing agency. If it is determined that restoration and revegetation are not successful, Sierrita would meet with the FERC and other appropriate agencies to identify and evaluate problem areas to determine the reason for the lack of success. Adaptive measures may include reseeding or modification of seed mixes or restoration methods.
- IND13-13 | The commenter's statement regarding prescribed burns is noted. The statement in the EIS does not suggest that BANWR is the only entity conducting prescribed burns and in fact acknowledges that land-managing agencies and landowners are also implementing prescribed burns. However, section 4.4.6 has been updated to further clarify participating parties, and to acknowledge that the local landowners in cooperation with the NRCS have been conducting prescribed burns since the mid-1980s.
- IND13-14 | Section 4.7.1.7 has been updated to discuss impacts of livestock grazing on the Sonoran desert tortoise.
- IND13-15 | See response to comment PM1-7.  
Section 4.9.2 has been updated to specify the spread of noxious weeds as part of habitat degradation.

## IND13 – Patricia King (cont'd)

20131216-5052 FERC PDF (Unofficial) 12/16/2013 10:04:07 AM

- IND13-15 (cont'd) form of livestock grazing that is actually practiced on lands within the Altar Valley, those conclusions fail to meet his test of scientific evidence. More importantly, illegal immigration has been responsible spreading weeds and invasive plants. Migrants wander or drive through the vast buffelgrass fields in Sonora picking up seeds in their clothing, backpacks and vehicles and then illegally cross the border into the remote areas of the Altar Valley. Constructing this pipeline away from view of the highway and in the uplands where the illegal migrants walk or drive will increase the probability of the spread of weeds and invasive species of plants in the Altar Valley.
- IND13-16 (p 4-148) The comment "and pasture/hay vegetation includes areas of grasses, legumes, or grass-legume mixtures planted for livestock grazing or the production of seed or hay crops" is confusing. I don't know of anywhere the pipeline goes through irrigated pasture or cropland.
- IND13-17 (p 4-221) "The previously existing dense, varied, native grasslands were intentionally replaced through vegetation slashing, burning, and seeding by ranchers in favor of fast-growing, non-native vegetation." Where in the world did this idea come from! I want to see the documentation. My family has lived here since the 1880's and know this is a false statement.
- IND13-18 (p 4-221) "Overgrazing and long-term drought conditions exposed the bare ground to summer monsoon rains that eroded the soil and created dry washes." Dry washes were present even before cattle were introduced to the valley. Neither cattle nor drought caused these washes.
- IND13-19 I don't know who is advising you but they seem to have an agenda. The comment "planting of non-native vegetation to support grazing activities, overgrazing," this is not a true statement and someone is determined to bash cattle grazing. Is that how an EIS is put together? Is editorializing allowed? (p 4-224, 4-230, 4-238, 5-10)
- IND13-20 "Livestock grazing in riparian areas can damage riparian resources by reducing fish and wildlife habitat, causing soil erosion, and diminishing water quality and quantity." With management, livestock grazing in riparian areas can improve wildlife habitat and maintain water quality and quantity. With what evidence of controlled grazing does Belsky make that statement?
- IND13-21 (p 4-226) "The restoration and habitat improvement projects are dedicated to stabilizing soils and restoring habitat from overgrazed, fire-damaged ranch lands. Because Sierrita would implement its Plan, Procedures, and Reclamation Plan, we do not expect the Project, when combined with the other projects and activities listed in table 4.14-1, to result in a significant cumulative impact on soils." This is a very profound statement. First, we escorted FERC and KM on tours throughout the watershed to show the fragility of this area and explain some of the work we have been doing and show some of the results of this work. The group was taken to rangeland in which a prescribed burn was recently carried out. This person was not listening or does not believe us. That is very sad. The areas shown have had monitoring transects read and we can show in detail the results of the work we have done. I would like to see some documentation to authenticate your description of "overgrazed, fire-damaged". Second, in the opinion of the person who wrote this this land is so damaged, overgrazed, fire-damaged ranch lands, any damage done by the installation of the pipeline or failure to adequately restore the pipeline site would be negligible.

Patricia King Comments on the proposed Sierrita Lateral Project DEIS - 3

- IND13-16 Section 4.8.1.1 has been updated to remove references to irrigated pasture and cropland.
- IND13-17 Along with consultations with the cooperating agencies, appendix X of the final EIS lists the references associated with the information presented in the EIS.
- IND13-18 Section 4.14 (Environmental Setting) has been updated to clarify that washes existed prior to grazing, but historical overgrazing activities (which are no longer being practiced) and drought contributed to erosion and the creation and down-cutting of dry washes.
- IND13-19 "Non-native vegetation" refers to the introduction of Boer's, Wilman's, and Lehmann's lovegrass. Based on the FWS' CCP for the BANWR, "Lehmann's lovegrass was probably introduced into the Valley in the late 1950s and early 1960s when Soil Conservation Service (SCS) range technicians distributed seed...Lehmann's lovegrass is now the dominant perennial grass on over 60,000 acres in the watershed of the Brawley Wash. Lehmann's lovegrass remains the dominant grass on most shallow upland range sites; however, discrete patches of native perennial grasses such as the gramas, cane beardgrass (*Bothriochloa barbinodis*), Arizona cottontop (*Digitaria californica*), and buffalograss (*Buchloe dactyloides*) have increased in size on most uplands."
- IND13-20 See response to comment PM1-7.
- IND13-21 The potential for erosion impacts are acknowledged throughout the EIS. Regardless of the erosion control material or method adopted, Sierrita would be required to use, install, and maintain erosion control devices in a manner that reduces runoff velocity, diverts water off the construction right-of-way to undisturbed areas, and/or prevents the deposition of sediments beyond approved workspaces or into sensitive resources.

Also see response to comment IND13-18. Section 4.14 has also been updated to note that prescribed burns have been used to manage species and improve rangeland conditions.

## IND13 – Patricia King (cont'd)

20131216-5052 FERC PDF (Unofficial) 12/16/2013 10:04:07 AM

IND13-22 (p 4-231) "The electrical transmission, road, and other commercial projects would presumably be required to restore areas of degraded habitat and would protect habitat from future development and other uses (e.g., grazing)," only grazing? How about OHV and other vehicle and human traffic along those cleared rights of ways?

IND13-23 (p 4-232) "Other private activities, however, such as grazing and restoration projects would not be required to consult on special status species." (?) Management and restoration projects improve habitat for all species whether common or special status.

IND13-24 (G-3) Again you contend a couple cattle grazing along the ROW will result in unsuccessful revegetation? Hopefully you will include the rancher in placements of monitoring transects. Why on earth would anyone place a transect near water or directly on a livestock trail? The rancher would know the traffic pattern of the cattle and not waste the time of those setting up transects by putting the markers in such a place. Better yet, an unbiased representative, such as NRCS, would have an impartial idea of placement of these transects.

IND13-25 (G-21) In your Performance Criteria, you seem to think grazing is the only reason for failure to revegetate the ROW. No vehicle or OHV traffic?

The Altar Valley is my home and ranching is my business. This ranch has been in the family since 1895 and handed down for four generations. The Altar Valley is a very special place. This is the information I and the other ranchers and land owners of Altar Valley tried to impart to the groups we took on tour. How sad to read this document and note how we failed.

Sincerely,



Patricia King

Patricia King Comments on the proposed Sierrita Lateral Project DEIS - 4

IND13-22 As listed in table 4.14-1, present activities considered in the cumulative impacts analysis included miscellaneous off-road activities such as vehicle and foot traffic by U.S. Border Patrol, undocumented immigrants, drug trafficking, and hunters. Section 4.14-1 has been updated to clarify that this also includes off-highway vehicle use and illegal immigration and drug and human trafficking detection facilities.

Section 4.14.6 has been updated to clarify the cumulative impact on wildlife and wildlife habitat from electrical transmission, road, and commercial projects.

Note that "e.g." means "for example" and does not exclude other activities such as OHV or unauthorized traffic.

IND13-23 The commenter's statement regarding management and restoration projects improving habitat is noted.

IND13-24 See response to comment IND13-10.

Also see section 5.1.1 of Sierrita's revised *Post-Construction Vegetation Monitoring Document*. Sierrita would consult with the ASLD to modify monitoring locations that were located in unsuitable areas, such as on a livestock trail or immediate edge of a roadway. Sierrita would inspect each monitoring site to determine if the site could be disproportionately impacted from proximity to things such as concentrated livestock grazing areas and watering facilities, or off-highway vehicle use.

Sierrita's *Post-Construction Vegetation Monitoring Document* focuses on lands managed by ASLD crossed by the Project but may also apply to private lands, as requested by a landowner.

IND13-25 See Sierrita's revised *Post-Construction Vegetation Monitoring Document*. Off-highway vehicle would also be evaluated at the monitoring sites (see section 5.1.1 and table 2).

Z-400



# INDIVIDUALS

## IND14 – Jim Ambrose

20131216-0016 FERC PDF (Unofficial) 12/16/2013

ORIGINAL

FILED  
SECRETARY OF THE  
COMMISSION

14044 S. Chino Pl.  
Tucson, AZ 85736  
8 December 2013

2013 DEC 16 A 9 22

FEDERAL ENERGY  
REGULATORY COMMISSION

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Re: Docket Nos. CP13-73-000 and CP13-74-000, Sierrita Lateral Pipeline Project

Dear Secretary Bose:

Before even moving into the home I purchased here almost three years ago, I was brazenly approached by an illegal alien walking out of a neighboring arroyo, who solicited unspecified help, which I refused, since he seemed perfectly healthy and capable. It happened again shortly after I had moved in, but this young man requested transportation. When I refused him, he offered me (although he looked destitute) one thousand dollars. When I again refused, he raised his offer to two thousand dollars, after which I sent him on his way, making my disapproval detailed and explicit. Upon reflection and consultation, I assume these two individuals were actually "coyotes" looking for smuggling collaborators. In my frequent walks along the drainages and byways of this community, discarded water bottles, backpacks, and other detritus make the continuing and widespread presence of illegal aliens palpable. These castoffs also make it very clear that they heavily favor existing and infrequently used paths and roads, so the prospect of Kinder Morgan creating a new superhighway of that sort into this area is clearly unacceptable.

Although the additional influx of illegal aliens and consequent dilution of Border Patrol efforts will have the most direct impact upon my safety and peace of mind, I also resent the negative impacts the pipeline project will have on the landscape and wildlife of this valley. They are the overriding reasons for my having moved out here, and it strikes me as blatantly unconscionable to trash this part of the Sonoran Desert Conservation Plan to increase the profits of plutocrats on both sides of the border. If Nogales has a less destructive route to offer, let Morgan Kinder use it. Nogales may see a benefit, where there is none here. Americans should not be made to suffer by the export of our natural assets to foreign consumers.

Thank you for your attention to my concerns regarding the likely effects of permitting this misconceived pipeline to be constructed. Please do not let it happen.

Sincerely,

  
Jim Ambrose

- IND14-1 Sections 4.9.1 and 4.9.2 address the potential impacts associated with creating a new north-south corridor. Sierrita would not create nor maintain a permanent access road along the right-of-way.
- IND14-2 The commenter's concern regarding the impacts the Project would have on the landscape is noted. Section 4.8.5 addresses the Project-related impacts on visual resources.
- IND14-3 The commenter's concern regarding the impacts the Project would have on the wildlife is noted. Section 4.5 addresses impacts on wildlife (e.g., wildlife movement, big game, raptors and migratory birds). Section 4.7.1 addresses Project-related impacts and mitigation for federally protected species, and section 4.7.1 addresses Project-related impacts on state-sensitive species.
- IND14-4 See responses to comments PM1-4, PM1-9, CO5-93, and IND10-6.

Z-401

# INDIVIDUALS

## IND15 – Barbara Stockwell

20131216-5184 FERC PDF (Unofficial) 12/16/2013 2:38:32 PM

December 14, 2013

To Whom It May Concern at FERC:

Regarding Docket No. CP13-73-000 and Docket No. CP13-74-000.

I would like to state that I am totally in favor of the proposed 36" gas pipeline (Project name: Sierrita Pipeline Project) which would parallel the historic route to Mexico from Tucson and cross the border near Sasabe, AZ. It seems to me that the environmental impact studies have been thorough and the need for this infrastructure is obvious. Export products are necessary for our economy, both local and national. This gas will apparently be used for power generation. I know for a fact that electricity is not available below the Mexican border at this point. Some power is available from a metering point at the border, which electricity is provided by a Marana, AZ. electric cooperative. Otherwise, there is nothing, and therefore no hope of any real economic development below the border. If there were more jobs in Mexico, we wouldn't be flooded with illegal immigration.

I have lived and worked in the vicinity of this proposed pipeline for the last 55 years. I came to the neighboring town of Arivaca (25 miles distant) as a teenager. I have taught at the school in Sasabe and my family has been beekeeping in this entire area for the last 70 years. We know the land and cherish the environment here. In fact this beautiful high desert land has provided a livelihood for us all of the 70 years. Beekeeping is compatible with ranching.

To say that the pipeline would irredeemably destroy the land is nonsense. Already, because of the massive immigration along our border here, the countryside is a network of paths and trails, grass and natural vegetation beaten down and the earth packed. If, indeed, the path of the pipeline would make easier access to Tucson and points north, then maybe that would make it easier for illegals to be apprehended and sent home and take the pressure off the hundreds of other trails. Located close to the Sasabe Road, there is no problem with Border Patrol access. They wouldn't need to drive up and down the pipeline route if that were even possible. At the present time, the area ranchers spend

IND15-1 Sections 1.1.1 and 1.1.2 address the Project's purpose and need. The commenter's support of export projects is noted.

IND15-2 Sections 4.9.1 and 4.9.2 address the existing characteristics of the Altar Valley relative to illegal immigration and drug and human trafficking, and potential impacts associated with creating a new north-south corridor, including vandalism to resources such as fences.

Z-402

## IND15 – Barbara Stockwell (cont'd)

20131216-5184 FERC PDF (Unofficial) 12/16/2013 2:38:32 PM

most of their time, not herding and caring for cattle, but mending fences that are regularly cut nearly every night. It is a nightmare for them. So, the NIMBY (not in my backyard) types are smoking something besides cigarettes if they think a very useful, economically sensible pipeline is going to damage their pipedream of a

IND15-3 pristine wilderness. Actually, disturbing the packed earth by digging and filling a trench will be very helpful for the growth and restoration of native grasses and other forage. We should see better rangeland from the project, and I assume that a belt of trees would screen it from the road; but even if not, better grass and more chance for wildflowers would be good. The drainages are already taken  
IND15-4 care of by various means at the road, and obviously similar methods would keep the pipeline from making erosion worse. Admittedly, our flash floods from our rare rains do a lot of damage, but this is historically true and will not necessarily be exacerbated by the pipeline.

IND15-5 Finally, there will be no material visual impacts as the pipeline is buried with just a few pumping/metering stations. Not enough land will be disturbed to  
IND15-6 matter to any threatened or endangered species. The leopard frog and owls were mentioned, for Heaven's sake! How absurd. There are no ponds nearby, no cactus used by pygmy owls, etc. If there were to be such a cactus, I know that this would be mitigated. We are mostly mesquite thickets and "wannabe" grassland created by the area Wildlife Refuge by burning the mesquite. By the way after millions of dollars spent, they have still not managed to bring back the bobwhite  
IND15-7 quail or antelope, but I support having a Refuge. It has been mentioned that the Altar Valley is the largest undeveloped watershed in Pima County except for the Tohono O'odham Nation. Not mentioned is that this reservation is a very large part of Pima County and it truly is mostly undeveloped. The Altar Valley has had ranches and ranch roads, developed ponds and corrals for cattle, homesites, etc. for hundreds of years.

In summary, there really are no valid arguments against the Sierrita Lateral  
IND15-8 Pipeline. Ranching will continue as it always has, but perhaps with some better grass along the line. The immigration, illegal, will undoubtedly continue and  
IND15-9 hugely increase if non-citizens are given legal status here. I find that the increased Border Patrol/Homeland Security presence in this area over the last few

2

IND15-3 The commenter's statement regarding the benefits to restoration of native grasses resulting from digging and filling the trench is noted.

IND15-4 As discussed throughout section 4.2, it is acknowledged that construction activities associated with the Project, such as clearing, grading, trenching, and backfilling, could adversely affect soil resources by causing erosion, compaction, and loss of soil productivity and fertility by mixing of topsoil and subsurface soil horizons and changing drainage patterns. Sierrita would implement the mitigation measures contained in its Plan, Procedures, *Reclamation Plan*, and *Post-Construction Vegetation Monitoring Document* to control erosion, enhance successful revegetation, and minimize any potential adverse impacts on soil resources.

As committed to in its *Reclamation Plan*, Sierrita would monitor the Project for erosion and stabilization issues on a monthly schedule following construction.

IND15-5 Section 4.8.5 addresses Project-related impacts on visual resources.

IND15-6 Section 4.7.1 addresses Project-related impacts on and Sierrita's proposed mitigation measures for federally protected species.

IND15-7 The commenter's statement regarding the Tohono O'odham Nation's land being the most undeveloped area in Pima County is noted. Section 4.14 (Environmental Setting) provides historical and current land use practices and activities.

IND15-8 See response to comment CO5-131.

IND15-9 The commenter's statement regarding appreciation for increased U.S. Border Patrol/Homeland Security presence is noted.

Z-403

IND15 – Barbara Stockwell (cont'd)

20131216-5184 FERC PDF (Unofficial) 12/16/2013 2:38:32 PM

IND15-9  
(cont'd) years has made life a lot more pleasant for me as a single older widow living alone. Years back, I would come out in the morning and see a large group of dark clothed men sleeping on the ground behind the next door building. My grandchildren had to be escorted down their road to the bus stop, because of the frequent passage of strings of border crossers. I was walking with the girls and their mother one early morning, heard a sound, and a line of men was crossing on a trail right behind us. A trail made by them and their predecessors. Life has been safer these past few years. We are long past the days of pristine wilderness, and I am glad that we are past that. I like having a car, driving on paved roads, a warm home, convenience and other stores, and so on and so on. Mankind with jobs and economic prosperity has the time and money to take good care of the environment. Let us have that pipeline, please.

Sincerely,  
  
Barbara Stockwell

Z-404

INDIVIDUALS  
IND16 – Anne Warner

20131217-5000 FERC PDF (Unofficial) 12/16/2013 5:28:28 PM

IND16-1 Anne Warner, Tucson, AZ.  
I've been a Registered Landscape Architect since the 90's in Arizona, specializing in revegetation of the Sonoran Desert. I worked on revegetating the Central Arizona Project pipelines, the water treatment plant, and several reservoirs. I've also worked on revegetating numerous rights of way, easements and other graded areas. The common denominator in all of those projects, that unless there is irrigation, revegetating the desert doesn't work. Even with that scenario, especially in remote areas, the likelihood of damage to the irrigation system is almost guaranteed. The desert is exceedingly fragile, and thrives because of micro climates inherent to it's location, wind, rain pattern, and so many other factors.

The thing I object to is the illusion that utility companies, land developers have that it is a simple process to "revegetate" the desert. It is expensive, time consuming, and requires years to be only partially successful.

Anne Warner, RLA

IND16-1 Sierrita does not propose to install irrigation systems to water the right-of-way following construction. It would, instead, seed between MPs 0.0 and 26.0 before the end of the monsoon season. If construction is not completed before the end of the monsoon season (e.g., due to permitting or construction delays), then seeding for this portion of the Project would take place before the end of the winter rain season. Between MPs 26.0 and 59.2, Sierrita would seed before the end of the winter rain season.

Sierrita would continue annual monitoring until the FERC and/or the BANWR determines that the restoration and revegetation goals have been achieved. In addition, Sierrita would complete restoration activities and monitoring as specified in its easement agreements with the individual landowner or land-managing agency. If it is determined that restoration and revegetation is not successful, Sierrita would meet with the FERC and other appropriate agencies to identify and evaluate problem areas to determine the reason for the lack of success. Adaptive measures may include reseeding or modification of seed mixes or restoration methods.

# INDIVIDUALS

IND17 – J.T. Coe

20131216-0020 FERC PDF (Unofficial) 12/16/2013

FILED  
SECRETARY OF THE  
COMMISSION  
DEC 16 A  
12-7-13  
JT COE  
57 CLAPBOARD RIDGE ROAD  
GREENWICH, CONN. 06830  
ORIGINAL  
Re: Docket Nos. CP13-73-000 and  
CP13-74-000; Sierrita Lateral Project

To the FERC:

- Generations of Coes have been visiting the  
Altamir Valley since the 1950s. We strongly oppose  
the proposed Sierrita Western Route that would  
result in fragmentation of wildlife habitat  
and open country. The implications of further  
enhancing illegal immigration in an area of the  
heaviest border crossings along the US  
do not appear to have been adequately  
investigated and discussed.
- Why not locate the pipeline in an already  
developed route? The proposed route  
will take the pipeline directly along the  
western edge of the Buenos Aires National  
Wildlife Refuge, a jewel in the Sonoran

- IND17-1 The commenter's statement regarding opposition to the Project is noted. Wildlife habitat fragmentation is discussed in section 4.5.2.1.
- IND17-2 Section 4.9 addresses illegal immigration, drug trafficking, and unauthorized use of the right-of-way. The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.
- IND17-3 See response to comment PM1-9.
- IND17-4 As discussed in section 1.2.2, the FWS-AESO and BANWR, as well as the AGFD and CBP, are participating as cooperating agencies in the preparation of the EIS because they have special expertise on environmental resources associated with the Project.

IND17 – J.T. Coe (cont'd)

20131216-0020 FERC PDF (Unofficial) 12/16/2013

IND17-4  
(cont'd)

desert - Has Fish & wildlife brought off on  
the EIS? The impact will clearly

IND17-5

have a detrimental effect on the wildlife  
and bird population in the desert.

IND17-6

We humbly request that the commission  
seek an alternate location that would  
not impact such a fragile ecosystem.

Sincerely,

J. Coe & Family

IND17-5

Section 4.5.2 addresses Project-related impacts on wildlife. Section 4.5.7 addresses Project-related impacts on raptors and other migratory birds.

IND17-6

The commenter's preference for locating the Project elsewhere is noted.

INDIVIDUALS  
IND18 – Amalia Handler

20131217-5008 FERC PDF (Unofficial) 12/16/2013 11:24:41 PM

Amalia Handler, Tempe, AZ.  
To whom it may concern,

I am writing to express my deepest concerns regarding the Federal Energy Regulatory Commission docket nos. CP13-73-000 and CP13-74-000 on the draft environmental impact statement (DEIS) for the proposed Sierrita Lateral Project. I am writing both as an informed ecologist concerned about the negative consequences on wildlife of the Alter Valley and personally as someone who visits and enjoys the Alter Valley's recreational and visual resources.

- IND18-1 I am concerned that the Sierrita Lateral Project (Project) has not adequately addressed erosion control in their construction plans. The construction of the Project will likely disturb large areas of soil and vegetation. The removal of vegetation combined with any soil disturbance such as digging, trenching, or vehicle traffic will mobilize large amounts of soil. The mobilized soil may clog waterways and, more importantly, will remove the matrix that plants rely upon to establish and survive. Desert ecosystems are unique in that most of the plant resources such as organic matter and associated nutrients and water-holding capacity are stored in the uppermost portion of the soil closest to the surface.
- IND18-2 If this critical layer is heavily disturbed or removed due to construction, revegetation will not be possible until these soil properties have been restored. This process may take on the order of years to tens of years. Thus, if the Project implements a revegetation plan within a few years of construction,
- IND18-3 many of these plants may fail to establish and persist. All the while, these soils are vulnerable to invasion by exotic species such as buffelgrass (Pennisetum ciliare) and lovegrass (Eragrostis spp.) that are fast growing and easily colonize disturbed areas. Invasion of such species would also make the area more vulnerable to fires and compete with native species (e.g. Saguaro cactus) for resources. As the erosion control and revegetation plans stand currently, I highly doubt that the ecology of the Altar Valley will not severely affected by the Project.
- IND18-4 In addition to my concerns regarding the Project's effect on the ecological integrity of the Altar Valley, I also personally enjoy the recreational and aesthetic value of the Valley. As a regular visitor of the Valley and surrounding Baboquivari Mountains, I would be upset to see portions of the Valley heavily disturbed with construction, then continually marked with the pipeline and its associated buffer. The Project will severely compromise the aesthetics of the Valley. If the wildlife of the area is adversely affected by the Project, it will lose some of its recreational and community value. I therefore cannot support the Project in any form taking place in the Altar
- IND18-5 Valley. I suggest that the Project be move to another portion of the country or state where substantial disturbance has already taken place, such as Nogales, Arizona, for example.
- IND18-6

Thank you for your consideration of my comments.

Sincerely,  
Amalia Handler

- IND18-1 Sierrita's proposed measures for erosion control are addressed in its Plan and Procedures. Sierrita would be required to use, install, and maintain erosion control devices in a manner that reduces runoff velocity, diverts water off the construction right-of-way, and/or prevents the deposition of sediments beyond approved workspaces or into sensitive resources.
- See responses to comments CO5-46 and CO5-75.
- IND18-2 See responses to comments SA6-12 and IND10-8.
- IND18-3 See response to comment LA1-141.
- IND18-4 The commenter's statement regarding recreational use and aesthetic value of the Altar Valley is noted.
- IND18-5 Section 4.8.5 addresses visual impacts resulting from the Project, which are acknowledged to be long-term to permanent. Section 4.5.2 addresses Project-related impacts on wildlife.
- IND18-6 The commenter's preference for locating the Project elsewhere is noted.

Z-408



INDIVIDUALS  
IND19 – Roger McManus

20131217-5007 FERC PDF (Unofficial) 12/16/2013 11:23:08 PM

Roger McManus, Tucson, AZ.

December 16, 2013

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC20426

Dear Ms. Bose:

IND19-1 Further to my request that you extend the comment period for 60 days for the Sieritta proposed gas line project in Southern Arizona - The DEIS directs that comments be received by December 16 2013. Assuming I guess that one has to take into account mail delivery during the holiday season for comments during the holiday season. During hearings down here on this proposal, I understand the language used by your staff was "arrive," but that could be interpreted to be "posted" by. I think we can assume that confusion could contribute to citizens giving up, as they considered how given the conduct of the last hearing in Sasabe they could be heard in any case.

IND19-2 The shift to largely electronic submissions is a further constraint on citizen participation limiting their ability to comment to whether they have a computer and internet access, or will take the time to go to where they can tap into that capacity, decipher the online instructions and complete the forms via the incomplete instructions and get their comments in. Having just completed the process myself, I could see at several points how one might just give up thinking it is hopeless anyway.

Please provide a 60 day comment to the DEIS. Thank you.

Sincerely,

Roger E. McManus

IND19-1 The FERC continued to accept comments on the draft EIS and other related materials placed into the record past the end date of the comment period up until the point of publication of the final EIS.

IND19-2 The commenter's concern regarding electronic submission of comments is noted. As stated in the Notice of Availability of the draft EIS for the Project, comments are also accepted by mailing paper copies directly to the FERC and/or providing oral comments via the public meetings held in Tucson and Sasabe, Arizona.

# INDIVIDUALS

## IND20 – Marshall Magruder

20131217-5009 FERC PDF (Unofficial) 12/17/2013 2:12:43 AM

Marshall Magruder  
PO Box 1267  
Tubac, Arizona 85646

15 December 2013

Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426  
Attn: Ms. Kimberly D. Bose, Secretary

**Subject: Draft EIS Comments on the Sierrita (formerly Sasabe) Gas Pipeline Project**

**Re: DOCKET Nos.CP13-73-000 and CP13-74-000**

**References:**

- (a) FERC/EIS-0247D, Sierrita Pipeline Project, Draft Environmental Impact Statement, 2 Volumes, October 2013 [Draft EIS]
- (b) FERC OEP/DG2E/Gas 4, Sierrita Gas Pipeline LLC, Sierrita Pipeline Project, Docket Nos. CP13-73-000, CP13-74-000, October 2013.

See the following Attachment 1 for a complete List of References and Attachments

**Summary.**

These comments pertain to both dockets and provide specific areas of major concern with the "Draft" Environmental Impact Statement (DEIS) Reference (a) and are submitted in accordance with Reference (b).

- IND20-1 In general, this DEIS version does not provide the Commissioners, e.g., the "decision makers", with adequate information concerning any Alternatives but what was proposed as the only Alternative desired the proponent. This is contrary to the requirements of the
- IND20-2 National Environmental Protection Act (NEPA). At this "draft" EIS phase in the NEPA process, no decisions should have been made by the Commissioners or other impacted parties on this project. Many interested parties including the public must review the Draft EIS. Comments from those citizens, jurisdictional and public agencies must be considered when drafting the Final EIS.
- IND20-3 Commission decisions should not made until the Final EIS has been completed so that an informed decision can be made. In particular, the Analysis of Alternatives in the Draft EIS Sections 3 and 4 only presented one Alternative and dismissed other viable Alternatives based on an inadequate analysis using modifications to Alternatives that were illogical, unsound, and resulted in rejection..
- In particular, this Draft EIS, ref (a), is deficient and inadequately because it
- IND20-4 a. Failed to provide adequate justification for a "Proposed" boundary point at Sasabe, Arizona and Sonora, Mexico.

Marshall Magruder  
Comments on Draft EIS for the Sierrita Gas Pipeline Project

16 December 2013

page 1

IND20-1 See response to comment PM1-6.

IND20-2 The draft EIS is not a decision-making document and the Commission has not yet made a determination on the Project.

The FERC continued to accept comments on the draft EIS and other related materials placed into the record past the end date of the comment period up until the point of publication of the final EIS.

IND20-3 See responses to comments PM1-4, PM1-6, and IND20-2.

IND20-4 See response to comment PM1-4.

## IND20 – Marshall Magruder (cont'd)

20131217-5009 FERC PDF (Unofficial) 12/17/2013 2:12:43 AM

- IND20-5 | b. Failed to include analysis of viable Alternatives, and those used were deliberately designed **Not** to be reasonable or viable Alternatives.
- IND20-6 | c. Failed to include multiple and viable benefits to Southern Arizona in the United States.
- IND20-7 | d. Failed to include multiple and viable benefits to Northern Sonora in Mexico.
- IND20-8 | e. Failed to discuss significant socioeconomic or environmental justice issues.
- IND20-9 | f. Failed to adequately discuss several natural environmental issues.

IND20-10 | Conclusion.

The above issues are so significant, in particular a to e above, that this version of the Draft EIS needs to be expanded.

Recommendation.

It is recommended that a Supplemental EIS be provided to include an Analysis of (at least four) Alternatives including different cross-boundary points, prior to the Final EIS so that reasonable reviews can be conducted of the resultant environmental impacts of this project.

These Draft EIS comments are arranged in three Parts:

Part I comments on significant issues and deficiencies.

Part II comments on less significant issues but still important additional issues, usually requiring a few words to correct.

Part III contains my Conclusions and Recommendations.

Due to being out-of-state for 4.5 of past 5.5 months primarily due to medical issues, it has been challenging to complete this review on time when away from my computer. Thus supplemental submission(s) may be filed with additional comments and may include additional changes in Part II or additional comments in Part I.

Respectfully submitted

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- IND20-5 | See responses to comments PM1-4 and PM1-6.
- IND20-6 | The EIS addresses, where appropriate, the benefits of the Project on the Project area.
- IND20-7 | Section 4.15 addresses transboundary effects of the Project on Mexico.
- IND20-8 | Section 4.10 discusses the socioeconomic impacts associated with the Project, as well as environmental justice, which is discussed in section 4.10.7 in accordance with all required rules and regulations.
- IND20-9 | See response to comment NAT4-3.
- IND20-10 | The commenter's statement regarding a supplemental draft EIS is noted.

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## Part I

### Discussion of Significant Issues and Deficiencies.

#### General Comments

The function of the NEPA process is to provide decision makers, in particular, for this case, the Federal Energy Regulatory Commissioners, Cooperating Agencies and other stakeholders with information necessary to make an informed decision about approving or denying a project.

This version of the Draft EIS fails to provide that information as discussed in Sections 1 to 6 below.

#### Section 1

##### The Draft EIS Failed to Provide Adequate Justification for the “Proposed” Boundary Point at Sasabe, Arizona and Sonora, Mexico.

This section provided comments concerning inadequate justification for a proposed boundary point at Sasabe, Arizona/Mexico. This section includes six related issues

##### Issue 1-1. The Presidential Permit Process has NOT been Followed.

IND20-11

##### Comment 1-1.

A “Presidential Permit” is required from the Secretary of State for energy projects that cross the national border of the United States, as required by Executive Order 11423 of 16 August 1968. The Secretary of State complies with the NEPA (42 U.S.C. Section 4321 et seq.) and its implementing regulations, National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. Section 470f), and Executive Order 12898 of 1994, concerning *environmental justice*.<sup>1</sup>

To issue a Presidential Permit, the “Secretary of State must find that the border crossing would serve the national interest” and that

*“...the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, [and] the Interstate Commerce Commission...”* [Executive Order 11423, of 16 August 1965, Sec. 1(b)].

The Draft EIS on page 1-4 refers to Executive Order 10485 of 3 September 1953 only empowers the Federal Power Commission in this EO (now, the FERC) to “issue permits for construction, operation, maintenance, or connection, at the borders of the United States... and for the ... exportation of natural gas.” Further.

<sup>1</sup> See Section 5 below additional comments related to this issue.

IND20-11

The Secretaries of State’s and Defense’s decision to provide comments on the Project prior to issuance of the draft EIS is at their discretion. Representatives of the Department of State and Department of Defense were provided the draft EIS. Both agencies were afforded the same opportunity to review and comment on the document. We did not receive comments from either agency on the draft EIS. Further, the final EIS is being provided to these agencies.

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## IND20 – Marshall Magruder (cont'd)

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IND20-11  
(cont'd)

"...The Secretary of State is hereby designated and empowered to receive all applications for permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (i) pipelines, conveyor belts, and similar facilities for the exportation or importation of petroleum, petroleum products, coal, minerals, or other products to or from a foreign country;..." [Executive Order 11423, Sec. 1(a)(i)]. [emphasis added]

Furthermore, all the federal organizations are required to review the Final (NEPA) EIS documentation PRIOR to making their final decisions. The Secretaries of State and Department of Defense were notified on 7 March 2013, before the Draft EIS was issued. [DEIS p. 1-4]. Even though they stated "no objection" on 8 May 2013 and 9 August 2013, respectively, such comments are premature and are not valid decisions.

As briefly discussed herein, these organizations need adequate information in order to make an informed decision on this project. Such a decision cannot be made without a complete Environmental Impact Statement to review. This version of the draft EIS fails to provide that information.

### Conclusion 1-1:

Without a complete EIS, neither the Secretary of State nor the Secretary of Defense can make a knowledgeable decision required for a Presidential Permit.

### Recommendation 1-1:

It is recommended that the Secretaries of State and Defence be provided the Final EIS for review and comment before approval of the Presidential Permit for this project.

### **Issue 1-2. The Commission Has No Authority to Approve or Disapprove Applications to Import Natural Gas.**

IND20-12

### Comment 1-2:

As stated in the Draft EIS, "The Commission has no authority to approve or disapprove applications to import or export natural gas. The Secretary of Energy has delegated such authority to the DOE's Assistant Secretary of Fossil Energy" [DEIS, p. 1-5]

### Conclusion 1-2:

Table 1-5 on page 1-18 does not include this requirement for project approval.

### Recommendation 1-2:

It is recommended that Table 1-5 include approval of the DOE Assistant of Secretary for Fossil Energy to export natural gas to Mexico.

### **Issue 1-3. A Premature Permit to Cross the Border with Mexico is in Table 1-5.**

IND20-13

### Comment 1-3:

The International Boundary Water Commission (IBWC) is required review all projects near the Mexican Border. The IBWC is required to determine "no objection" following issuance of the FERC Certificate before the project could begin. (Draft EIS, p. 4-160).

IND20-12 The import/export of natural gas (commodity) is subject to approval by the DOE; however, this authorization is specific to the natural gas shipper, MGI Supply Ltd., not the pipeline owner, Sierrita.

IND20-13 Sierrita continues to work with the IBWC. The IBWC also provided comments on the draft EIS. Also see response to comments associated with letter code FA1.

## IND20 – Marshall Magruder (cont'd)

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IND20-13  
(cont'd)

### Conclusion 1-3:

Table 1-5 shows that the project proponent submitted to the IBWC in August 2013 [DEIS p. 1-18] a request for its approval of this project. This was very premature. This request was before the Draft EIS had been issued.

### Recommendation 1-3:

It is recommended that the project proponent request for IBWC approval and return of this prior review submittal to the IBWC and that the project proponent resubmit this review request upon receipt of the required FERC Certification for this project.

### **Issue 1-4. A Single Proposed Border Crossing Point is Inadequate.**

IND20-14

### Comment 1-4:

A review of Section 3, "Alternatives," in the Draft EIS, fails to provide a viable rationale for not considering other border crossing points than one at Sasabe, Arizona/Sonora Mexico. Only one proposed border-crossing point was considered in this Draft EIS.

IND20-15

NAFTA Articles 301 and 606 require "national treatment" for trade in natural gas that would apply in this case with Mexico. Thus, benefits to both Mexico and the United States should be in the national interests of both countries.

There are no significant benefits for the United States and no significant benefits to northern Sonora for a proposed crossing the border at Sasabe, especially when compared to crossing at Nogales, Arizona/Sonora Mexico (locals use *Ambos Nogales* to describe "both" Nogales's).

IND20-16

Below is a list of the benefits for crossing the border at Nogales that includes benefits for both the United States and Mexico.

For the United States, replacing either of the two existing natural gas (EPNG) lines to Nogales, Arizona will:

- (1) Increase natural gas capacity that will allow new residential, business and industrial developments that can use this additional natural gas capacity. For example, the IBWC was unable to consider natural gas for its required backup electrical generation capabilities at the Nogales International Wastewater Treatment Plant in Rio Rico, Arizona, since natural gas capacity was limited.
- (2) The present gas capacity is inadequate to meet the fuel needs for the four gas turbine generators in Nogales, Arizona, thus diesel fuel will have to be used, especially in the winter, when local gas consumption is highest.
- (3) The EPNG lines in Santa Cruz Valley are approaching 50-years old and require replacement in a few years. They have been de-rated and now are limited to operate at about 60% of their design maximum rated pressure due to loss of pipe thickness due to ageing.
- (4) A new line in Santa Cruz Valley would decrease additional pipeline environmental damage if both the Sasabe and a new Nogales line were constructed separately.

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IND20-14

See response to comment IND20-1.

IND20-15

Section 1.2.1 addresses FERC, NAFTA, and articles 301 and 606.

IND20-16

The commenter's statement regarding the benefits of a pipeline to Nogales are noted. Also see responses to comments PM1-4 and PM1-9.

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## IND20 – Marshall Magruder (cont'd)

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IND20-16  
(cont'd)

- (5) A new line in Santa Cruz Valley would allow the use of a "pig" to periodically measure the pipe wall thickness. This cannot be done at present because these smaller, older pipes to Nogales cannot use a "pig", only used for larger pipes. This inability to "test" these older pipes has resulted in decreased pipe capacity, reliability, and integrity with higher risk of pipe failure. This is a serious existing safety issue.
- (6) The Central Arizona Project Canal would not need to be crossed with important savings to the proponent if a Santa Cruz Valley route Alternative is selected. This eliminates the requirement for Horizontal Directional Drilling (HDD) under the CAP Canal.<sup>2</sup>
- (7) Nogales Arizona air quality does not meet the Clean Air Act standard (e.g., is a nonattainment area) for Particulate Matter 10 microns or larger (PM<sub>10</sub>) and this City almost is nonattainment for small Particulate Matter 5 microns or smaller (PM<sub>2.5</sub>). With a new line air quality would improve in both Mexico and the United States of the border, since the prevailing wind is from the south.
- (8) If existing-rights-of ways (ROWs) were used, then that agrees with standard line FERC siting regulations that are very clear, this is the best option. If one uses a new undisturbed area for siting the pipeline, this is the worst siting option due to increased environmental impacts. [DEIS p. 2-2] EPNG has permits these ROWs, thus minimal "negotiations" are required in order to replace either of these old existing lines. As stated in this Draft EIS reference, significantly less environmental impacts would result since the land had already been disturbed once.<sup>3</sup>
- (9) If the West Santa Cruz Valley Alternative were selected, this route would include 16.4 miles of approved and designated National Energy Corridor in the Coronado National Forest in Santa Cruz County, where the existing EPNG pipeline exists. Further, much of the West Santa Cruz Valley route (at least 11 to 13 miles) in Pima County is along the waste land between large mine tailings west of Green Valley.
- (10) The Santa Cruz Valley Alternatives already have a Presidential Permit to cross the border in Ambos Nogales, thus only its modification would be necessary. A new Presidential Permit for a different border crossing point would not be required.
- (11) Border security would enhanced by the proposed anti-trespassing plans for the Sasabe crossing Alternative being developed by the Tucson Sector, Border Patrol. Further, additional law enforcement personnel would not be necessary for the Santa Cruz Valley Alternatives since over 1,000 law enforcement personnel are on duty in Santa Cruz County with a population around 47,000, one of the safest counties in the country.

<sup>2</sup> See Attachment 2 for additional comments related to this issue.

<sup>3</sup> See Issue 1-8 for additional comments related to this issue.

## IND20 – Marshall Magruder (cont'd)

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IND20-16  
(cont'd)

For Nogales and northern Sonora Mexico, replacing either of the existing natural gas (EPNG) lines to Nogales, Arizona can continuing into Mexico and will<sup>4</sup>

- (1) Provide adequate natural gas supplies with the necessary capacity for long-term use by residential, business, and industrial customers in Nogales, Sonora and nearby communities.
- (2) Provide a reliable and safer source of natural gas via pipelines instead of many small tanks of propane.
- (3) Reduce and probably nearly eliminate use of wood, diesel, fossil fuels, and petroleum products to generate electricity in a community over 300,000 persons, thus significantly improving the air quality in terms mercury, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, and NO<sub>x</sub> air pollutants. This would improve the health of Ambos Nogales.
- (4) Major beneficial economic and development impacts would result, especially in the many large manufacturing and assembly companies (maquilas), mostly owned by American companies, in and near Nogales, Sonora.
- (5) The route from Nogales, Sonora, to Puerto Libertad, could continue south along federal highway 15 until it intercepts the proposed pipeline from Puerto Libertad to Sasabe. This would facilitate construction while road building will be required to construct this pipeline south of Sasabe.
- (6) This avoids the issue of adding a new smuggler's path or road via Sasabe as the proposed securing of this pipeline in not being required for the Mexican side of the border. Smugglers like the easiest way to move their goods (people, drugs, guns, or money) and when a new road is constructed to Sasabe, then it will be considerably "easier" to use.
- (7) The distances from Nogales and Sasabe to Puerto Libertad are about the same.

See Attachment 2 for additional information on this issue.

### Conclusion 1-4:

These many benefits of crossing the border in Nogales were omitted or not reviewed in the Draft EIS. These transnational benefits are very significant and must be analyzed and included in a Supplemental EIS or another Draft EIS for review. Many others who are not presently involved with the single Alternative in the present Draft EIS need to be informed of this project.

### Recommendation 1-4:

It is recommended that either a new Draft EIS or a Supplement EIS will include, as a minimum, either or both of the Santa Cruz County Alternatives, along or very near the existing EPNG line pipeline ROWs, and crossing the border in Ambos Nogales.

<sup>4</sup> See Issues 1-4 and 4-1 for additional comments related to this issue.  
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## IND20 – Marshall Magruder (cont'd)

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### Issue 1-5. The "Agreement" For this Single Border Crossing Point Lacks Credibility.

#### IND20-17 Comment 1-5:

The only rationale given was an agreement between two companies, one the United States side of the border and the other on the Mexican side. Looking into the ownership of these companies, it is obvious that most are either jointly owned or are subsidiaries of the same organization. For example, MGI Supply, Ltd. is a major owner of both the US-side and Mexican-side pipeline companies. Sempra Energy owns parts these US and Mexican companies.

This "agreement" is apparently just an internal agreement within joint US/Mexican partners. It is not an agreement between two different, independent companies, with one American and the other Mexican. An organizational diagram of these ownerships will show that collusion may have lead to the "Sasabe" crossing agreement. This is not a real business deal but one that was deliberately designed to prohibit any other border crossing.

#### Conclusion 1-5:

This "agreement" is not an independent agreement between two companies but is like a handshake between partners within the same company. As best, it looks and smells "fishy" and, at the worst, would appear that some form of "mordita" (Mexican slang for "under the table dealing") has happened.

The Mexico City Chamber of Commerce has investigated and reported that over 95% of all public works contracts (such as this one) in Mexico involve "mordita." [The other 5% apparently just weren't found.]

Without a clearly defined organizational status of these companies, as required for a Presidential Permit to be included in the EIS, understanding these relationships is critical in order to determine the legality of these contracts.

**All forms of "mordita" are against American law.**

#### Recommendation 1-5:

It is recommended that the FERC investigate the corporate relationships between the various companies involved in this project, on both sides of the border, and including this in the final EIS and in the Presidential Permit documentation in the FERC eLibrary for this docket.

### Issue 1-6. Sasabe is the ONLY Viable Border Crossing Point.

#### IND20-18 Comment 1-6:

"Near Sasabe"<sup>5</sup> appears several times in the Draft EIS and also, a pipeline called, "Sasabe-Guaymas Pipeline"<sup>6</sup>, originally called and also known as, or part of, the "Sonoran Pipeline" or "*Gasoductors de Sonora*" in Spanish.

<sup>5</sup> "Near Sasabe" is used in paragraph 1.1.1 (p. 1-1), 2.3.2.7 (p. 2-19, 3.1 (p. 3-1), 3.4 (twice on p. 3-3), 3.5 (twice on p. 3-5), 3.5.1 (p. 3-6), 3.5.2 (p. 3-11), 3.5.3 (p. 3-14), 3.5.4 (twice on p. 3-17), 3.5.5 (twice on p. 3-20), 3.5.6 (twice on pp. 3-22-23), 3.5.7 (twice on p. 3-25), 3.5.8 (twice on pp. 3-37-28), and Table 4.7.2-1 (p. 4-136).

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IND20-17

All aspects of a proposed project, including contractual agreements, are reviewed by the FERC. However, the draft EIS is focused on fulfilling FERC's NEPA obligation. Review of contractual agreements is not conducted by FERC's environmental staff and is beyond the scope of the EIS.

Also see response to comment PM1-4.

IND20-18

The United States and Mexican project's name is at the discretion of the pipeline companies and beyond the scope of this EIS. Also see response to comment CO3-4.

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## IND20 – Marshall Magruder (cont'd)

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IND20-18 (cont'd) Sierrita *consulted* with its Mexican "customer" MGI Supply, who works for Sierrita on the United States side of the border. Sierrita "determined" that a proposed crossing "near Sasabe" is the only viable crossing location for this project.

It is noted that the Mexican part of this project is "downstream" and it would be very risky for any prudent action "downstream" to occur before the "upstream" part of this large project been approved that does not occur until after the Final EIS has been reviewed and the Certificate approved by the FERC Commissioners.

In addition, this project was originally titled "the Sasabe Lateral Gas Pipeline" but the name of the proponent was changed from Kinder Morgan to "Sierrita Gas Pipeline LLC".

Further, the "Sonoran Pipeline" changed its to Sasabe-Guaymas Pipeline. Why were these name changes made? It appears that Sasabe was dropped on the US-side pipeline due to extensive opposition to the Sasabe border crossing but Sasabe was added to the Mexican-side pipeline to emphasize for the Americans, that the Mexican-side expected this line be required to go through Sasabe.

IND20-19 Conclusion.

"Near Sasabe" was an internal decision by the same partners on both sides of the border BEFORE any action has been started on the NEPA process. As the Mexican pipeline side is "downstream" from the United States pipeline side, all "risks" for development prior to approval on the United States side rests with these Mexican subsidiaries.

Therefore, there is no legal reason or viable rationale presented that requires ONLY Sasabe to be offered to the Mexican side as the only border-crossing alternative. Other crossing points, with additional benefits exist for both sides of the border. These benefits were ignored by FERC and FERC failed to consider these benefits for a different border crossing point.

IF the NEPA process does not look at ALL realistic and viable Alternatives before construction begins, then someone (in this case, the Mexican-side) is making a high risky move, an imprudent move, without approval by the "upstream" partner.

IND20-20 Recommendation 1-7:

It is recommended that Alternative Border Crossings, along with Sasabe, be Included in the Analysis of Alternatives (Sections 3 and 4), in a new Draft EIS or a Supplemental EIS so that knowledgeable decisions can be made on this project considering impacts on both sides of the border.

**Issue 1-7. Other Border Crossings Alternatives are Necessary for a Valid Presidential Permit.**

IND20-21 Comment 1-7:

<sup>6</sup> "Sasabe-Guaymas Pipeline" is used in the Forwarding letter (p. 1), Executive Summary (twice on p. ES-1), paragraph 1.1.1 (twice on p. 1-3), 1.4 (three times on p. 1-14), 2.1.1 (p. 2-1), 2.1.2 (p. 2-1), 2.3.2.7 (p. 2-19), 3.5 (twice on p. 3-5), 3.7 (p. 3-13), 4.8.1.2 (p. 4-155), and 4.15 (twice on pp. 4-238-239).

IND20-19 See responses to comments PM1-4 and PM1-6.

IND20-20 Section 3.5 has been updated to include further discussion of alternative U.S.-Mexico crossing locations.

The commenter's statement regarding a supplemental draft EIS is noted.

Also see responses to comments PM1-4 and PM1-6.

IND20-21 See responses to comments PM1-4 and PM1-6.

## IND20 – Marshall Magruder (cont'd)

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IND20-21 (cont'd) Without analyzing any other border crossings, under NEPA, and to provide the Secretary of State information necessary to make an informed decision concerning the border crossing point, then the "real" environmental impacts for the project and other Alternatives cannot be assessed. As shown herein, many significant factors were not properly considered when making this single border crossing assessment. Without an analysis in a new Draft EIS or Supplemental EIS, then informed citizens, public agencies and various impacted organizations do not have the complete picture necessary to intelligently review all these Alternatives. Most public agencies, informed citizens and various impacted organizations are nearly unanimous in opposing the one Sasabe border-crossing Alternative in the present Draft EIS.

### Conclusion 1-7:

Realistic Alternative border crossings were not considered in the process leading up to the Draft EIS.

### Recommendation 1-7:

It is recommended that at least two (or three) additional border crossing Alternatives be considered in a Supplemental EIS.

### **Issue 1-8. FERC did NOT follow FERC Regulations to Determine Alternatives to Analyze.**

IND20-22 Comment 1-8.

FERC Regulations require it to

*"... give primary consideration to the use, enlargement, or extension of existing rights-of-way over developing a new right-of-way in order to reduce potential impacts on sensitive resources. In general, installation of a new pipeline along existing rights-of-way that have been previously cleared (such as pipelines, power lines, road, or railroads) maybe environmentally preferable to the development of new rights-of-way. Construction-related effects and cumulative impacts can normally be reduced by the use of previously cleared rights-of-way; however, in congested or environmental sensitive areas, it maybe advantageous to deviate from an existing right-of-way."* [Draft EIS, 2.2.1 at 2-2] (Emphasis added)

### Conclusion 1-8:

None of the Alternatives discussed were in specified "congested or environmental sensitive areas" thus deviation from an "existing right-of-way" does show compliance with the appropriate FERC Regulations governing Analysis of Alternatives.

### Recommendation 1-8:

It is recommended that the FERC follow its own regulations, as the two *Deviations* (exceptions) in these Regulations clearly indicate in the Comment above are not applicable in this case. This will require either a new Draft EIS or a Supplemental EIS.

Also see additional comments and recommended changes to the Draft EIS in Part II below.

IND20-22

The alternative analysis in this EIS gives primary consideration to the use, enlargement, and extension of existing rights-of-way. This is evident in our conclusion that the East Route Alternative would result in less environmental impacts on most resources as compared to the proposed route. It also is evident in our conclusions to the Nogales West Alternative Delivery Point and the Willcox Lateral Alternative Delivery Point, which state that the route alternatives would be environmentally preferable to the proposed route because the route alternatives would be constructed within or adjacent to an existing rights-of-way and potential impacts on sensitive resources would be reduced; however, these alternatives would not meet the Project objective of delivering gas to Sasabe.

The regulations quoted from 18 CFR 380.15(d) are only intended to "be considered" for the citing of natural gas facilities.

## IND20 – Marshall Magruder (cont'd)

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### Section 2

#### **The Draft EIS Failed to Include Viable Alternatives, as Those Provided Were Deliberately Designed to Not be Reasonable Alternatives.**

Realistic Route Alternatives were not included in the Draft EIS.

#### **Issue 2-1. One Alternative (West Altar Valley route), Partially via a ROW in the Buenos Aires National Wildlife Refuge, was Partially Evaluated.**

IND20-23

##### Comment 2-1.

The Public Meetings held prior to issuing of the Draft EIS included an East Route Alternative and West Route Alternatives in Altar Valley, as discussed in 3.5.1 and 3.5.2, respectively, with the conclusion in the Draft EIS being that the East Route was unacceptable due to environmental impacts on the Buenos Aires National Wildlife Refuge. Only one Alternative, the West Route, was presented in Section 4 of the draft EIS. No other Alternatives were analyzed.

In addition, there were very few differences between these two routes, with a majority of the pipeline using a common route.

##### Conclusion 2-1.

Even if both of these Alter Valley routes were analyzed and compared in Section 4, this minimal difference really does not qualify as a meaningful comparison of two Alternatives. Thus, it is concluded that only ONE route was analyzed in this draft EIS, which is not satisfactory.

##### Recommendation 2-1.

It is recommended that at least two different routes be included in the Analysis of Alternatives, in a new Draft EIS or a Supplemental EIS to meet the minimum requirements for a successful NEPA analysis.

#### **Issue 2.2. The Route Alternatives were Deliberately Designed Not to be Acceptable.**

IND20-24

##### Comment 2-2.

The Nogales West, Nogales East, Willcox, Yuma Lateral, Tohono O'odham, Lukeville East and Lukeville West Route Alternatives [DEIS 3.5.2 to 3.5.8] all had extensive links to Sasabe, right ON the US-Mexican border. No detailed maps were shown exactly where these "border" pipelines were to be constructed. MOST of the border in this part of Southern Arizona, leading to Sasabe from the other Route Alternatives, is not reasonable to consider for a ROW for this large pipeline. I have estimated that most of these "border pipelines" leading to Sasabe could easily cost about a billion dollars.

[Engineers can do almost anything, when there is adequate funding. It is not a goal of this project to waste capital resources for such a foolish approach along the US-Mexican border. If Sierrita did this, the US Border Patrol would be a very happy co-participant, as they do not have the funds to be expended on such a foolish project.]

##### Conclusion 2-2:

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IND20-23 See response to comment PM1-6.

IND20-24 See response to comment PM1-6.

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## IND20 – Marshall Magruder (cont'd)

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IND20-24  
(cont'd)

It should be obvious to anyone who has seen any of this border that it is nearly impossible to have a gasline run along the border. This was a deliberate way to make all these Alternative routes null and void, before doing any analysis. For example, all routes from the East of Sasabe when through the Pajarita National Wilderness Area that goes along the border west of Nogales. The Wilderness Act prohibits both powered and wheeled vehicles in such an area, thus all work would have to be accomplished by hand without road graders, trucks, cranes, water trucks, and other prohibited mechanical vehicles.

If most of these Alternative routes had crossed the border, instead of running along the border itself, potentially viable routes would have resulted; however, in all cases, other than Nogales, the total length of pipeline in the United States and Mexico would be significantly longer, considerably more expensive and with greater environmental impacts.

The distances from Nogales or Sasabe to Puerto Libertad are about equal.

### Recommendation 2-2:

It is recommended that Sections 3 and 4 of a new Draft EIS or Supplemental EIS be re-written to include at least two, preferably four, route Alternatives that cross the border and do not go along the border to Sasabe.

### **Issue 2-3. Alternative Routes (other than in Altar Valley) Do NOT require Horizontal Directional Drilling (HDD) Under the Central Arizona Project Canal.**

IND20-25

### Comment 2-3:

The two Altar Valley routes require HDD under the CAP Canal. All other Alternatives avoid the CAP Canal and thus will not require this expensive and challenging process.

### Conclusion 2-3:

If Additional Alternatives (with border crossing at other than Sasabe) are included in the Analysis of Alternatives, then the project proponent will have construction savings by not needing to use HDD under the CAP Canal. If an Alternative route crossing, not in Altar Valley, is approved, then Appendix K, *Site Specific Horizontal Directional Drill Crossing Plan for the CAP Canal*, and many other parts of the Draft EIS can be deleted.

### Recommendation 2-3:

It is recommended that additional Analysis of Alternatives be considered to exclude drilling under the CAP Canal, as a potential benefit for such Alternative analyzed in a new Draft EIS or Supplemental EIS.

Also see additional comments and recommended changes to the Draft EIS in Part II below.

IND20-25 An HDD at the CAP Canal would avoid impacting the waterbody and is technically and economically feasible. While other alternatives may not have costs associated with an HDD at the CAP Canal, there are costs associated with constructing across other features along other alternatives. Section 3.5 has been updated with cost information for each route alternative.

Also see response to comment PM1-6.

## IND20 – Marshall Magruder (cont'd)

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### Section 3

#### The Draft EIS Failed to Include Viable Benefits to Southern Arizona In the United States.

Benefits for Southern Arizona were ignored in the Draft EIS.

#### Issue 3-1. The Draft EIS Failed to Properly Include Socioeconomic Benefits in Southern Arizona.

IND20-26

#### Comment 3-1:

The present draft EIS contains minimal environmental and socio-economic benefits to Southern Arizona.<sup>7</sup> In particular, in Santa Cruz County, directly north of the large population of over 300,000 in Nogales Sonora (predicted to grow to 1,000,000 by 2025), the prevailing winds bring across the border polluted air, primarily due to industrial and other activities with fuel exhausts being a large contributor.

Section 4.10 (Socioeconomics) seems to imply that the urban data from Pima County and City of Tucson are similar to that for Three Points and Sasabe. These two communities are very rural, with off-reservation Native Americans or commuters to jobs in western part of Tucson, and less than a score of ranches between these two communities.

Most socioeconomic data in an EIS use census block data for the "blocks" along the proposed route. This approach would provide more representative information necessary to understand the local social and economic impacts of this pipeline in these rural areas.

In Santa Cruz Valley, this census-block approach would show significant variations in high and lower income areas and in some parts of this route those residents should see improved economic conditions.

The short-term economic benefits for 300 out-of-town workers during the construction phase of this project is minimally beneficial to the City of Tucson but would be a major benefit to Nogales. As Interstate 19 (I-19) continues through larger communities going north including Rio Rico (pop about 20,000), Tumacácori, Carmen, Tubac, Amado, Green Valley (pop. About 20,000) and Sahuarita (pop. Over 25,000).

Since there are no long-term employees required for this line, then other benefits, such as improved conditions for economic development by having natural gas capacity for industrial or business concerns become more significant.

For example, there are well over 100 large produce plants in Nogales and Rio Rico, Arizona, with between 1,200 and 1,800 large trucks of produce per day coming from Mexico and is expected to reach over 3,000 trucks in a few years. These air-cooled product plants could use natural gas for heating/cooling or electricity generation. Further, in the future, these trucks could also be converted to natural gas for fuel and this single action could have very significant impacts on air pollution in Ambos Nogales.

<sup>7</sup> See Issues 1-4 and 4-1 for additional comments related to this issue.

IND20-26

The commenter's statements regarding the benefits of a pipeline to Nogales are noted. Also see response to comment PM1-4.

Section 4.10.6 has been updated to show census tract data for racial/ethnic populations within the Project area.

Z-422

IND20 – Marshall Magruder (cont'd)

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IND20-26  
(cont'd)

Conclusion 3-1.

The use of census block data for analysis of socioeconomic conditions along the route Alternatives is necessary. Improved natural gas capacity can help business development and provide work opportunities, and reduce electricity generation and transportation air pollution impacts in Ambos Nogales.

Recommendation 3-1.

It is recommended that Section 5 be re-written using census block data along the proposed and Alternative routes and the beneficial impacts of having natural gas for economic development be included in the Analysis of Alternatives of a new Draft EIS or a Supplemental EIS.

**Issue 3-2. The Draft EIS Failed to Properly Discuss Environmental Justice.**

IND20-27

Comment 3-2:

Improvements in environmental justice issues and conclusions in the Draft EIS for Southern Arizona are erroneous, and discussed in Section 5 below.

Also see additional comments and recommended changes to the Draft EIS in Part II below.

IND20-27 The commenter's general statement regarding environmental justice is noted. Section 4.10.7 provides our analysis of environmental justice consistent with FERC policy and regulations.

## IND20 – Marshall Magruder (cont'd)

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### Section 4

#### The Draft EIS Failed to Include Viable Benefits to Northern Sonora

Nogales, Sonora, as shown in Attachments 2 and 3, does not have any capacity to use natural gas, thus diesel fuels, wood, and other petroleum products are used for energy, transportation, and heat. There are no natural gas electric generation capabilities in Nogales, Sonora, even through the Mexican national electric utility (CFE) has planned for a 450-500 MW electric generator to be located in Nogales, Sonora.

#### Issue 4-1. The City of Nogales Sonora Needs a Gasline for Electrical Generation and Local Gas Distribution.

IND20-28 Comment 4-1.

Nogales Sonora is a vibrant, rapidly growing, industrial city, with a population over 300,000 and expected to reach 1,000,000 by 2015. At present, a large residential development with American-style homes for about 100,000 people is being built just east of Nogales. This city and suburbs do NOT have a reliable natural gas capacity (it receives a small amount of natural gas from Nogales, Arizona via the EPNG lines that uses a Presidential permit).

This power plant was originally designated by CFE as "Agua Prieta III" to be located in Nogales, Sonora. This Nogales natural gas power plant has not yet been constructed; however both "Agua Prieta I and II" are both operational in Agua Prieta, Sonora. This natural gas power plant would give this pipeline a third CFE power plant (new in this case) using natural gas in northern Sonora. Location of a CFE natural gas power plant in Nogales, Sonora, would greatly improve the air quality in Ambos Nogales.

#### Conclusion 4-1.

A border crossing of this large natural gas line could easily add a natural gas substation to service Nogales Sonora while still having adequate capacity to serve various CFE electric power plant conversions to natural gas. This supply in Nogales, Sonora, will enhance both industrial and residential users with natural gas that presently is not available.

#### Recommendation 4-1.

It is recommended that as an Alternative that this gasline crosses at Nogales, Sonora for future power plant and local natural gas distribution purposes to improve air quality in Ambos Nogales.

Also see additional comments and recommended changes to the Draft EIS in Part II below.

#### Issue 4-2. Nogales Sonora and Northern Sonora Generate Polluted Air.

IND20-29 Comment 4-2.

At present, the City of Nogales, Arizona, has been designated as a non-attainment in accordance with the Clean Air Act. This is primarily due to polluted air flowing over the border into Arizona by the prevailing southern winds. The health on both sides of the border suffers.

IND20-28 Providing natural gas to Nogales for a new power plant is outside the scope of this Project and environmental analysis. Also see response to comment PM1-4.

IND20-29 See response to comment IND20-28.

Z-424



IND20 – Marshall Magruder (cont'd)

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IND20-29  
(cont'd)

Conclusion 4-2.

Any reduction in air pollution in Nogales, Sonora, directly impacts the air quality in Nogales, Arizona.

Recommendation 4-2.

It is recommended that natural gas in adequate amounts be distributed to the City of Nogales, Sonora, and suburbs, so that a new power plant can be used by CFE for a new power plant. This would be in addition to the ongoing power plant fuel conversion projects. This would significantly reduce air pollution in this important industrial Mexican city and Santa Cruz County in the United States.

Z-425

## Section 5

### The Draft EIS Failed to Discuss Significant Environmental Justice Issues.

As a part of the Presidential Permit process, the Secretary of State needs information on minority and low-income populations likely to be affected by construction of the proposed facility in fulfilling its obligations pursuant to Executive Order 12898 on environmental justice.<sup>8</sup> [see <http://www.state.gov/p/wha/rls/fs/2012/187529.htm> ]

#### Issue 5-1. Environmental Justice Issues and Factors Required in the Draft EIS.

IND20-30 | **Comment 5-1.**

As discussed in Draft EIS section 4.10.7 (Environmental Justice), the community of Three Points straddles the proposed Sasabe Alternative route. The total population of Three Points (from Table 4.10.7-1, p. 4-188) is 3,461 = (+3,122 + 36 + 161 + 19 + 6 + 98 + 19). Of this total, 2,120 or 67.9% are Hispanic or Latino. This is over 50% of this ethnic group, the criteria discussed when minority population issues are required to be discussed in an EIS. This section stated that minority populations were less than 50% in the "region of influence." This statement is erroneous as a "region of influence" including all of Pima County and the City of Tucson is vastly different from the rural nature along this Altar Valley route, which is significantly rural.

Actual census tract areas, preferably shown on a map, must be used for evaluation of environmental justice factors so that appropriate impacts can be described in this analysis. A large county, such as Pima County-that extends over a hundred miles from the pipeline or the City of Tucson over 25 miles away were inappropriately used for this analysis.

#### Conclusion 5-1.

This entire Environmental Justice section has erroneous basic assumptions as the large county and distant town data are not appropriate.

#### Recommendation 5-1.

That this section must be re-written using local census tract data for areas along the proposed routes.

#### Issue 5.2. The Draft EIS Failed to Consider the Beneficial Environmental Justice Impacts With Other Alternatives.

IND20-31 | **Comment 5-2.**

If either of the Santa Cruz Valley (east or west) Alternatives were analyzed, both would have extensive environmental justice impacts.

The existing unemployment in Santa Cruz County has exceeded 12 to 15% recently for several years. During the past three months, for example, unemployment has been above 20%. Unemployment data for Santa Cruz and Pima Counties, for comparison, show:

<sup>8</sup> For a copy of this Executive Order, please see <http://www.state.gov/p/wha/rls/fs/2012/187529.htm>

IND20-30

The total number of persons in Three Points must include Hispanics to achieve an accurate percentage of Hispanics as part of the whole group. The total population of racial/ethnics groups in Three Points listed in table 4.10.7-1 is 5,581. When the population of Hispanics (2,120) is used to achieve a percentage based on the total (2,120/5,581), the percent of Hispanics is 38 percent. Not 67.9 percent as suggested by the commenter.

Using the same principal for all of the communities included in the socioeconomic impacts analysis, the percent of Hispanics compared to the total populations of Pima County, City of Tucson, Three Points, and Arivaca ranges from 15 to 38 percent; none are greater than 50 percent.

IND20-31

This comment appears to assume that if the Project were routed through Nogales, natural gas would be delivered to Nogales and the community would benefit from having this resource available to it. This is not the objective of the Project, which is to serve natural gas markets in Mexico via Sasabe, Arizona. Even if a project were proposed through Nogales to deliver gas to Mexico, there is no guarantee that it would locally serve Nogales, Arizona.

The proposed Project would provide natural gas transportation services of up to 200,846 Dth/d to the U.S.-Mexico border near Sasabe, Arizona for a 25-year term starting on or about the end of September 2014. Providing natural gas to the City of Nogales is outside the scope of this Project and environmental analysis; however, the FERC will evaluate such an application if and when one is put before it. If gas supplies are needed in Nogales, discussion of this need should occur with EPNG and/or other companies that could develop a project to serve Nogales with additional supplies of gas.

Also see response to comment PM1-4.

## IND20 – Marshall Magruder (cont'd)

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IND20-31  
(cont'd)

			<u>Santa Cruz County</u>		
2013	August	20.3%	September	20.6%	October 20.5%
2012	August	20.0%	September	19.2%	October 19.5%

			<u>Pima County</u>		
2013	August	7.6%	September	7.2%	October 6.9%

[Nogales International, 20 Nov. 2013, p. 1A]

In Santa Cruz County, approximately 33.9% of the population is presently below the poverty line and eligible for Food Stamps and Medicaid with the county's population about 85% Hispanic or Latino.

Santa Cruz County, as shown in Attachment 2, has serious limitations on its economic development due to the inability of have companies locate here due to shortage of natural gas. In Santa Cruz County, industrial growth is severely limited because businesses that need energy from natural gas cannot obtain this fuel from the two existing EPNG pipelines. This natural gas constraint further causes higher air pollutant fuels to be used, both in Nogales, Arizona and Nogales, Sonora.

Without being evaluated as an Alternative for this project, this serious economic situation probably will continue. In fact, without this pipeline, viable solutions to reduce the environmental impacts on the Santa Cruz County communities cannot be reduced.

### Conclusion 5-2.

No considerations for Santa Cruz County's problems are in the Draft EIS. The environmental justice situation may continue to deteriorate even more. When compared to Three Points, there are more significant benefits if this line is constructed in Santa Cruz County. There will be greater economic development improvements in Santa Cruz County when compared to the communities along the proposed route.

### Recommendation 5-2.

It is recommended that both Santa Cruz Valley Alternatives be analyzed, equivalent to that for the present Sasabe West Alternative ROW in either a Supplemental or a new Draft EIS.

Also see additional comments and recommended changes to the Draft EIS in Part II below.

## **Section 6**

### **Failed to Adequately Discuss Several Natural Environmental Issues.**

This section will be included in a forthcoming Supplemental submission.

Also see additional comments and recommended changes to the Draft EIS in Part II below.

## IND20 – Marshall Magruder (cont'd)

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### Part II – Additional Comments, Conclusions and Recommendations.

This part provides, in draft EIS sequence order, the title of the associated paragraph, short comments (or quote) with a conclusion and recommendation, and the draft EIS page and paragraph/figure/table number

#### Part II

##### Additional Comment (AC), Conclusions, and Recommendations

Add'l C'm't No.	Paragraph title	<ul style="list-style-type: none"> <li>• Comment</li> <li>• Conclusion</li> <li>• Recommendation</li> </ul>	Draft EIS Reference
<b>DEIS Forwarding Letter (FL), OEP/DG2E/Gas 4, Sierrita Gas Pipeline Project LLC, Sierrita Pipeline Project, Docket Nos. CP13-73-000, CP13-74-000, October 2013</b>			
IND20-32 FL-1	Forwarding letter	<ul style="list-style-type: none"> <li>• <u>Comment</u>: "Sierrita requests authorization to link El Paso Natural Gas Company's existing South Mainline System near Tucson to an interconnect with the Sásabe-Guaymas Pipeline at the U.S.-Mexico border near the town of Sasabe, Arizona."</li> <li>• <u>Conclusion</u>: This is a company's proposal for an interconnect point near Sasabe. This interconnect point is a significant issue to be addressed in detail and must be addressed as a "proposed" interconnection, since that decision requires approval of a Presidential permit.</li> <li>• <u>Recommendation</u>: Change "an interconnection" to read "to a proposed interconnection that requires a Presidential Permit for approval"</li> </ul>	First page, 1 <sup>st</sup> paragraph, 2 <sup>nd</sup> sentence
IND20-33 FL-2	Forwarding letter	<ul style="list-style-type: none"> <li>• <u>Comment</u>: "The draft EIS addresses... the following Project facilities:"</li> <li>• <u>Conclusion</u>: The draft EIS only addressed one alternative.</li> <li>• <u>Recommendation</u>: After "facilities" add "for one Alternative as all others were rejected."</li> </ul>	First page, 4 <sup>th</sup> paragraph, 1 <sup>st</sup> sentence
<b>Volume I – EXECUTIVE SUMMARY</b>			
IND20-34 ES-1	Executive Summary	<ul style="list-style-type: none"> <li>• <u>Comment</u>: Comments were received "from landowners, public officials, non-governmental organizations, and government agencies regarding the project."</li> <li>• <u>Conclusion</u>: One major objective of the NEPA is to include the citizen involvement in the process. Many comments were received from the public.</li> <li>• <u>Recommendation</u>: after "organizations" add "the public,"</li> </ul>	p. ES-1, 4 <sup>th</sup> paragraph, 1 <sup>st</sup> sentence.
IND20-35 ES-2	Illegal Immigration and Unauthorized Right-of-Way Use	<ul style="list-style-type: none"> <li>• <u>Comment</u>: The proponent's plan and criteria for restoration "following construction" is incomplete.</li> <li>• <u>Conclusion</u>: This restoration process should ongoing during construction and the plan and criteria are completed prior to issuing the Final EIS.</li> <li>• <u>Recommendations</u>: That the following changes be made <ul style="list-style-type: none"> <li>• (1) Before "following" change to read "during and following"</li> <li>• (2) At the end of this sentence, after "are completed" add "prior to issuing the Final EIS."</li> </ul> </li> </ul>	p. ES-7, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence

IND20-32 The commenter's recommendation to modify the draft EIS cover letter is noted

IND20-33 The commenter's recommendation to modify the draft EIS cover letter is noted. Also see response to comment PM1-6.

IND20-34 The Executive Summary (Public Involvement) has been updated to include "public" to the list of commenters.

IND20-35 Restoration occurs after the pipeline has been installed and the trench backfilled. The *Right-of-Way, Security, and Access Control Plan* and other measures developed with law enforcement agencies would be used during construction to deter illegal activities.

## IND20 – Marshall Magruder (cont'd)

Z-429

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<b>Part II</b> <b>Additional Comment (AC), Conclusions, and Recommendations</b>			
Add'l C'm't No.	Paragraph title	<ul style="list-style-type: none"> <li>• <b>Comment</b></li> <li>• <b>Conclusion</b></li> <li>• <b>Recommendation</b></li> </ul>	Draft EIS Reference
IND20-36	ES-3 <b>Socio-economics</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: The section 106 review process under NHPA is incomplete.</li> <li>• <u>Conclusion</u>: This process should be completed prior to issuing the Final EIS&gt;</li> <li>• <u>Recommendation</u>: That at the end of this sentence, after "are completed" add "prior to issuing the Final EIS."</li> </ul>	p. ES-8, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence
<b>Volume I – Chapter 1, INTRODUCTION</b>			
IND20-37	1-1 <b>1.1.1 - Project Purpose</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: "According to Sierrita, the specific objective of the Project is to transport ... <u>starting on or about the end of September 2014</u>."</li> <li>• <u>Conclusion</u>: This starting date is not viable or realistic; in fact, the end of September 2014 might be the earliest all the permits for this project could reach approval, assuming that no legal entanglements occur.</li> <li>• <u>Recommendation</u>: change "'end of September 2014'" to read "end of 2014 or early 2015."</li> </ul>	p. 1-1, 1 <sup>st</sup> paragraph, 2 <sup>nd</sup> sentence
IND20-38	1-2 <b>1.2.2.4 – U.S. Customs and Border Patrol</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: those illegally traveling north are not nearly as dangerous as those illegally traveling south; with drug money profits or guns and ammunition primarily considered in the Draft EIS under "illegal immigration and drug and human trafficking".</li> <li>• <u>Conclusion</u>: These <u>southbound</u> illegal and dangerous activities need to be included.</li> <li>• <u>Recommendation</u>: That after "trafficking" add "usually travelling north and the very dangerous illegal travelers with smuggled drug money and illegal guns and ammunition traveling south" (twice)</li> </ul>	p. 1-7, 2 <sup>nd</sup> paragraph, 1 <sup>st</sup> sentence and 2 <sup>nd</sup> sentence.
<b>Volume I – Chapter 2, DESCRIPTION OF THE ACTION</b>			
IND20-39	2-1 <b>2.3 – Construction Procedures</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: This footnote indicates that the Security Plan contains sensitive information and will be available <u>only</u> to project security personnel and law enforcement agencies.</li> <li>• <u>Conclusion</u>: This is a bit overly restrictive, in particular, for the landowners that are being impacted by security actions on their property. Further, most of these plans will not be so sensitive that a landowner cannot read or have knowledge of what is happening to their property.</li> <li>• <u>Recommendations</u>: It is recommended that the second sentence be changed to read "Therefore, this <i>sensitive</i> information would be made available to Project security personnel and law enforcement agencies only; however, <i>redacted material will be made available to specific landowners when security actions from this plan involve their property.</i>" (additions in Italics).</li> </ul>	p. 2-9, footnote 3.
IND20-40	2-2 <b>2.3.1.5 – Lowering-in and Backfilling</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: There are times when mosquitoes may breed in water-filled trenches.</li> <li>• <u>Conclusion</u>: In addition to dewatering, destroying mosquito eggs or larvae before becoming a mosquito is important.</li> <li>• <u>Recommendation</u>: After "dewatering" add "and removal of mosquito eggs and larvae"</li> </ul>	p. 2-13, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence
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IND20-36 As discussed in section 4.11.4, we agree that the section 106 process is not complete for the Project. As such, we included a recommendation that all evaluation reports and treatment plans are required to be filed before Sierrita would begin construction (see section 4.11.4 and recommendation No. 16 in section 5.2).

IND20-37 This is Sierrita's proposed schedule and may or may not be met. Sierrita has not proposed an alternative in-service date. Regardless, Sierrita would seek approval to begin construction as soon as possible after receiving all necessary federal authorizations.

IND20-38 The commenter's statement regarding more dangerous illegal travelers is noted. Section 4.9 has been updated to acknowledge south-bound illegal traffic.

IND20-39 The commenter's suggestion regarding the Security Plan is noted. The FERC is not a law enforcement agency and notes that aspects of safety of construction personnel based on the unique challenges of the border areas are outside of its expertise.

IND20-40 Rain events during construction that cause water to collect and pool (e.g., in the trench) could temporarily create favorable conditions for mosquito breeding. We conclude this impact would be temporary and minor based on the relatively dry climate, high evaporation and soil infiltration rates, and the limited time of construction through any particular area. Sierrita would also dewater the trench as necessary which would further eliminate mosquito larvae.

## IND20 – Marshall Magruder (cont'd)

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### Part II

#### Additional Comment (AC), Conclusions, and Recommendations

	Add'l C'm't No.	Paragraph title	<ul style="list-style-type: none"> <li>• <b>Comment</b></li> <li>• <b>Conclusion</b></li> <li>• <b>Recommendation</b></li> </ul>	Draft EIS Reference
IND20-41	2-3	<b>2.3.1.8 – Cleanup and Restoration</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: a disposal facility is indicated.</li> <li>• <u>Conclusion</u>: It is very important that the “disposal facility” be certified by ADEQ to handle the appropriate kinds of waster or hazardous materials.</li> <li>• <u>Recommendation</u>: Before “disposal facility” add “an appropriately certified waster and/or hazardous waste”</li> </ul>	p. 2-14, 3 <sup>rd</sup> paragraph, 1 <sup>st</sup> sentence
IND20-42	2-4	<b>2.3.1.9- Post-Construction Monitoring</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: This sentence isn't strong enough to ensure quality results.</li> <li>• <u>Conclusion</u>: It is very important that details be clearly specified.</li> <li>• <u>Recommendation</u>: Change first and second sentences to now read as “Sierrita <i>shall</i> conduct follow-up inspections <i>quarterly</i> and monitor disturbed areas for <i>a minimum of five years</i> after construction, including revegetation thresholds are met and temporary erosion control devices are removed. <i>The quarterly reports will include photographs at a minimum of 25 fixed locations and directions, designated and approved for quarterly monitoring sites for only the first five years.</i> Sierrita <i>shall continue to</i> submit annual monitoring reports <i>with photographs before starting construction, annually, at designated and approved fixed camera monitoring points and directions, to the FERC, ASLD, and Pima County, and other appropriate agencies, as requested, after the five year annual monitoring period has been completed. The FERC, with concurrence of ASLD and Pima County, can consider this action completed whenever concurrence that revegetation has been successful, either by line segments of the right-of-way or for the entire project.</i>”</li> </ul>	p. 2-15, 1 <sup>st</sup> paragraph, 1 <sup>st</sup> and 2 <sup>nd</sup> sentences
IND20-43	2-5	<b>2.3.1.8 – Cleanup and Restoration</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: two minor changes to clarify roles to include FERC on-site monitoring and change “would” to a contractual requirement buy using the word “shall”</li> <li>• <u>Conclusion</u>: Periodically, FERC should inspect (on-site) after construction has been completed and FERC should required (“shall”) until revegetation is deemed successful.</li> <li>• <u>Recommendations</u>: In first sentence, second line, delete from “and” now read” “and FERC will periodically conduct on-site compliance inspections.”</li> </ul>	p. 2-14, 2 <sup>nd</sup> paragraph
<b>Volume I – Chapter 4, ENVIRONMENTAL ANALYSIS</b>				
IND20-44	4-1	<b>4.3.1.2 – Water Supply Wells and Springs</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: The paragraph discussed wells and springs but did not include “seeps”.</li> <li>• <u>Conclusion</u>: Seeps are an additional source of surface water.</li> <li>• <u>Recommendation</u>: Add the word “seeps” between “wells” and “springs”.</li> </ul>	p. 4-24, 1 <sup>st</sup> sentence.
IND20-45	4-2	<b>4.14.3.2 - Surface Water Water Quality</b>	<ul style="list-style-type: none"> <li>• <u>Comment</u>: The first paragraph discussed the Nogales Wash and Sonoita Creed, neither of which are in Altar Valley, the proposed gasline is being proposed.</li> <li>• <u>Conclusion</u>: This sentence is not applicable for the Draft EIS preferred Alternative</li> <li>• <u>Recommendation</u>: Delete this sentence.</li> </ul>	p. 4-228, 1 <sup>st</sup> paragraph, 3 <sup>rd</sup> sentence

IND20-41 Sierrita would dispose of construction debris, used oil and lubricants, hazardous materials, and empty containers, including potentially contaminated materials, in accordance with appropriate federal, state, and local regulations. Some waste materials may be recycled as appropriate.

IND20-42 Consistent with FERC style and formatting, “shall” is used exclusively in section 5.0 to demonstrate how such recommendations to the Commission would read if adopted into mandatory conditions of an Order.

Also see response to comment SA6-12.

IND20-43 See response to comment IND20-42.

IND20-44 Section 4.3.1.2 has been updated accordingly.

IND20-45 Section 4.14.3 has been updated accordingly.

## IND20 – Marshall Magruder (cont'd)

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#### Additional Comment (AC), Conclusions, and Recommendations

Add'l C'm't No.	Paragraph title	<ul style="list-style-type: none"> <li>• <b>Comment</b></li> <li>• <b>Conclusion</b></li> <li>• <b>Recommendation</b></li> </ul>	Draft EIS Reference
IND20-46	4-3  4.14.3.2 - Surface Water  Water Quality	<ul style="list-style-type: none"> <li>• <u>Comment</u>: This sentence discusses the Nogales International Wastewater Treatment Plant upgrade but fails to mention that, due to lack of local natural gas capacity, it could not use natural gas to generate backup electricity and was required to install diesel generators instead.</li> <li>• <u>Conclusion</u>: This sentence should indicate that the Draft EIS preferred Alternative does not eliminate this issue.</li> <li>• <u>Recommendation</u>: Add after the period of this sentence, "This Ambos Nogales wastewater treatment plant requires backup electricity but was unable to use natural gas generation due to lack of local gas capacity and thus had to install diesel generators. The West Santa Cruz Valley Alternative would have provided additional natural gas capacity for electricity generation at this IBWC-managed treatment plant."</li> </ul>	p. 4-228, 2 <sup>nd</sup> paragraph, 4 <sup>th</sup> sentence
IND20-47	4-4  4.15 - Trans- boundary Effects	<ul style="list-style-type: none"> <li>• <u>Comment</u>: This sentence states "it is noted that the entire body of NEPA law directs federal agencies to analyze the effects of proposed actions to the extent they are reasonably foreseeable consequences of the proposed action, <b>regardless of where those impacts might occur.</b>" [Emphasis added]</li> <li>• <u>Conclusion</u>: There is no discussion concerning any benefits across the boundary from Nogales, Sonora and northern Sonora, if this gasline crossed the border at Nogales and not at Sasabe. These transboundary effects will have significant impact on <u>both sides</u> of the border, in particular, in the City of Nogales, Arizona, which is a Clean Air Act non-attainment area. This is due to prevailing southerly winds that bring across the border particulate matter (PM<sub>10</sub>) that Nogales Arizona does not control. It should</li> <li>• <u>Recommendation</u>: That this section include the beneficial impacts of air quality in southern Arizona, in particular, the City of Nogales, if natural gas was available and used to replace diesel and propane fuels used in Nogales Sonora and northern Sonora because of the availability of natural gas from this pipeline.</li> </ul>	p. 4-238, 1 <sup>st</sup> paragraph, 3 <sup>rd</sup> sentence.

IND20-46 Providing natural gas to the Nogales International Wastewater Treatment Plant is outside the scope of this Project and environmental analysis. Also see response to comment PM1-4.

IND20-47 The objective of the Project is to transport natural gas to the U.S.-Mexico border at Sasabe. The result of not recommending the proposed Project through Sasabe is that conditions in Nogales would remain as they currently are, as we would be recommending the No Action Alternative. Section 4.15 addresses transboundary impacts as they relate to the proposed Project.

## IND20 – Marshall Magruder (cont'd)

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### Part II

#### Additional Comment (AC), Conclusions, and Recommendations

Add'l C'm't No.	Paragraph title	<ul style="list-style-type: none"> <li>• Comment</li> <li>• Conclusion</li> <li>• Recommendation</li> </ul>	Draft EIS Reference
<b>Volume I – Chapter 5, CONCLUSION AND RECOMMENDATIONS</b>			
IND20-48	5-1 5.2 - FERC Staff's Recommend ed Mitigation	<ul style="list-style-type: none"> <li>• <u>Comment</u>: "In the following section, 'file' means to file with the Secretary at the FERC."</li> <li>• <u>Conclusion</u>: As presently worded, this does not indicate that the Secretary will also file the document in the FERC docket or eLibrary. To ensure transparency and public access to the important reports in this section, most of these reports should also be included in both the docket and eLibrary; however, some maybe sensitive (see comment p. 5-16, paragraph 23 when some reports are specifically excluded from public access) however, they still should be included in both the Docket and eLibrary with the title, date and appropriate limited distribution markings.</li> <li>• <u>Recommendation</u>: That the above sentence be modified to read, after "FERC" as "and included in both the Docket and eLibrary for public access. Some documents maybe privileged and, upon approval of the Secretary, maybe filed without public access but including the date, originator, title, reason for not providing public access, and the appropriate sensitivity marking that limits distribution."</li> </ul>	p. 5-11, 1 <sup>st</sup> paragraph, 2 <sup>nd</sup> sentence
IND20-49	5-2 5.2 - FERC Staff's Recommend ed Mitigation	<ul style="list-style-type: none"> <li>• <u>Comment</u>: Many of the reports in this section are due "<b>prior to the close of the draft EIS comment period.</b>" In particular subparagraphs 10 to 18, 20, and 22.</li> <li>• <u>Conclusion</u>: Since adequate time might not be available for comments to be made within the time for the draft EIS review, an additional 30 days should be allowed for the public and various agencies and organizations to make comments on these Draft EIS-related specific areas.</li> <li>• <u>Recommendation</u>: That the above subparagraph filings be included in the eLibrary and that review comments from the public be considered up to 30 days after the draft EIS review period has expired, thus add a new sentence, after the existing second sentence or after the above modification to read "Review comments on any filings in accordance with this section will be considered received within the comment period for the draft EIS up to 30 days after the draft EIS review period has expired."</li> </ul>	pp. 5-14 to 5-16, and p. 5-11, 1 <sup>st</sup> paragraph, after the 2 <sup>nd</sup> sentence or after incorporatio n of the above comment.

IND20-48 The commenter's recommendation to clarify "file" is noted. All information filed by Sierrita would be part of the public record for the Project and would also be available for viewing on the FERC website (<http://www.ferc.gov>) under Docket Nos. CP13-73 and CP13-74.

IND20-49 The commenter's recommendation for additional document review time is noted. The FERC continued to accept comments on the draft EIS and other related materials placed into the record past the end date of the comment period up until the point of publication of the final EIS.



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### Part III

#### Conclusions and Recommendations

Top-level conclusions and recommendations for improving the Draft EIS are in Part III.

Overall, this is a well-written Draft EIS; however, it lacks credibility since it only has one Alternative.

##### 3.1 Conclusions.

Overall, this is a Draft EIS; however, it lacks credibility since it only has one Alternative. This is because of a fixation on a single boundary crossing at Sasabe. Very misleading and erroneous conclusions made by the FERC concerning this single issue have put a shallow over this entire document, most of which should be rated as EXCELLENT.

The obvious benefits of using either of the Santa Cruz County Alternatives were not included and these benefits, for both the United States and Mexico, need to be included in the Analysis of Alternatives.

For the past decade, I have routinely brief both the Santa Cruz County Board of Supervisors and the Mayor and City Council of Nogales on this and other related energy issues. Without any analysis of the Santa Cruz Valley Alternatives, I am unable to make any kind of recommendation, for or against, either of the potentially "preferred" Alternatives in my county. It is very obvious that Pima County opposes the Sasabe Alternatives along with the Tohono O'odham Nation, United States Border Patrol, and Buenos Aires National Wildlife Refuge, and various conservation districts and environmental organizations. The Mayor of the City of Nogales and City Council, the Board of Supervisors of Santa Cruz County, and our State Legislative Representative has all written to request that the Santa Cruz Valley Alternatives be included in the Analysis of Alternatives.

The Santa Cruz Valley Alternatives were not analyzed in the draft EIS.

##### 3.2 Recommendations.

It is strongly recommended that both the Santa Cruz County Alternatives, with a border crossing in Nogales, Arizona/Sonora, Mexico, undergo the same analysis used for the single Alternative presently in the draft EIS.

Further, it is recommended that these two (and any others) be included in the Analysis of Alternatives in either a Supplemental or new Draft EIS for review by the public. Since most in Santa Cruz County have not been concerned with the Altar Valley Alternatives, a public comment session or two and a comment period be provided so that Santa Cruz County citizens, jurisdictional organizations and government agencies, and conservation and environmental groups can review and submit comments PRIOR to a Final EIS.

Additional recommendations maybe included as additional information required by FERC by the completion of the Draft EIS review period from the proponent are released.

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IND20-50 See responses to comments PM1-4, PM1-6, and PM1-9. The commenter's preference for the Nogales East and Nogales West alternatives are noted.

IND20-51 See response to comment PM1-6.

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Respectfully submitted

Marshall Magruder, Systems Engineer  
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## IND20 – Marshall Magruder (cont'd)

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### Attachment 1

#### **List of References and Attachments**

It should be noted that all References and Attachments below (except this attachment) are located in the FERC eLibrary for the Docket numbers used for this project.

#### References:

- Reference (a) FERC OEP/DG2E/Gas 4, Sierrita Gas Pipeline LLC, Sierrita Pipeline Project, Docket Nos. CP13-73-000, CP13-74-000, n.d. [October 2013]  
Reference (b) FERC/EIS-0247D, Sierrita Pipeline Project, Draft Environmental Impact Statement, 2 Volumes, October 2013 [Draft EIS]

#### Attachments:

- Attachment 1 List of References and Attachments  
Attachment 2 Marshall Magruder ltr of 12 April 2013, "Sierrita Gas Pipeline, LLC that should be an Ambos Nogales Gas Pipeline" of 12 April 2013.  
Attachment 3 Marshall Magruder ltr of 27 October 20-12, "Scoping Comments for the Sasabe Lateral Project, Docket PF12-11-000

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### Attachment 2

Marshall Magruder  
PO Box 1267  
Tubac, Arizona 85646

12 April 2013

Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426  
Attn: Ms. Kimberly D. Bose, Secretary

**RE: Sierrita Gas Pipeline, LLC that should an Ambos Nogales Gas Pipeline**

**DOCKET Nos. CP13-73-000 and CP13-74-000**

These comments pertain to both dockets and discuss Alternatives to a proposed Sierrita (formerly Sasabe Lateral) Gas Pipeline project.

Presently, two alternatives, with much opposition have been proposed for a line to use a US-Mexican border terminus at Sasabe, Arizona. There are no benefits for the United States in this route and none in Mexico compared to a route through Nogales, Arizona and Sonora, Mexico.

Two additional alternatives to accomplish the same objectives, with significantly better benefits, with less environmental impacts MUST be considered as ALTERNATIVES in the Draft Environmental Impact Statement, as previously discussed in my Scoping inputs to this project (under its prior name).

These other two Alternatives will have a cross-border terminus at Nogales, Arizona and Mexico, using an existing El Paso Natural Gas (EPNG) Presidential Permit, at the border, and use existing rights-of-way in the United States. Both of these proposed Alternatives originate at the EPNG transmission natural gasline, that, in general, goes east/west parallel to Interstate 10 (I-10) and each ends in Nogales, Arizona. The present Eastern lines terminals are East of Tucson and two lines go via Sonoita, then combine and pass through Patagonia to Nogales, near SRs 82, 83, and 90. The present Western line from West of Tucson (near where the Sasabe Alternatives originate, and, in general runs south, west and parallel of Interstate I-19, via Tubac, Rio Rico, and the national utility corridor (as per EPAct of 2005, section 356), to Nogales, Arizona. Both of these existing natural gaslines are over 50-years old, with the Western older than the Eastern lines. The deficiencies in these existing lines to Nogales, Arizona, include;

- a. Neither can operate at design maximum pressures
- b. They do not meet the winter gas demand for Nogales, Arizona when local natural gas generators are used for electricity. Diesel fuel has to be used.
- c. Neither can be adequately tested using modern methods (with a pig), thus actual corrosion and wear changes are not objectively measurable.
- d. At least one, if not both require near-term replacement, upgraded to a larger line to ensure safety and meet existing American customer demands.

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e. Neither connects at the Mexican border (in the City of Nogales) to serve users in Mexico.

This letter again proposes to seriously consider replacing at least one of the above existing EPNG lines that serve Nogales, Arizona in order to serve the City of Nogales, Sonora and surrounding areas in Northern Sonora, which has NO natural gas capabilities.

Using either of these two Alternatives, through Santa Cruz County, will have the following additional benefits as shown in the below tables. The Sasabe Alternatives failed to consider the citizens who live near and on both sides of the border area.

The first table below compares the benefits of the East and West Santa Cruz County Alternatives with the proposed Sasabe Border Crossing Alternatives.

Benefits of Each Alternative in the United States			
Areas of Concern	East Santa Cruz County Alternative	West Santa Cruz County Alternative	Sasabe Border crossing Alternatives
Existing Right of Way	Yes		None
Existing Presidential Permit	Yes		No
Environmental Impacts	Minimal, dig, fill, reclaim in a previously disturbed area		Significant since all disturbance with be new.
Can Meet Present Demands	Mostly but not winter peak with electrical generators		No present capacity
Capacity Benefits	Needed for growth		No impacts in border area
Fuels used for electricity generation	Eliminates use of Diesel in Nogales for electric generators		No impacts in border area
Impacts on Air Quality	Reduces particulates which is why Nogales, AZ is a Non-Attainment Area		No impacts in border area
Economic Impacts	Minor improvements since natural gas is already present		No impacts in border area
Border Security Impacts	No change		Major Negative Impacts in Border Security

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The table below shows the impacts of these Alternatives in Northern Sonora Mexico.

Benefits of Each Alternative in the Mexico		
Areas of Concern	Nogales Border Crossing	Sasabe Border Crossing
Existing Right of Way	Same, new ROW required	
Presidential Permit	Presidential Permit held by EPNG	Requires new Presidential permit process
Environmental Impacts	Same, new ROW required	
Meet Future Nogales Sonora Demands	Add new capability in Nogales, Sonora	No impacts in border area
Capacity Benefits	Replaces wood, oil, diesel, and other fuels in Nogales, Sonora	No impacts in border area
Fuels used for electricity generation	Eliminates use of Diesel in Nogales for electric generators	No impacts in border area
Impacts on Air Quality	Reduces particulates which is why Nogales, AZ is a Non-Attainment Area	No impacts in border area
Economic Impacts	Major, especially for industrial facilities, business and residential customers.	No impacts in border area
Border Security Impacts	No change	Major Negative Impacts in Border Security

Due to the significance of the differences and the very important environmental and economic benefits of considering Eastern and Western Santa Cruz County Alternatives with a border crossing in Nogales, Arizona to Nogales, Sonora, inclusion for the Draft EIS and additional reviews, is essential in order for both countries.

**Recommendation: Both East and West Santa Cruz County Alternatives using existing rights of way must be included in any future analyses for this project and the impacts of this project on the citizens on both sides of the US-Mexican border area. The project is better titled as the "Ambos Nogales Gas Line."**

If there are any questions, and if I can be of service, please contact me at the above mailing address or by email or phone as shown below.

Respectfully submitted,

Marshall Magruder, Systems Engineer  
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## IND20 – Marshall Magruder (cont'd)

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### Attachment 3

Marshall Magruder  
PO Box 1267  
Tubac, Arizona 85646

27 October 2012

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426  
Attn: Docket PF12-11-000

**Subject:** Scoping Comments for the Sasabe Lateral Project, Docket PF12-11-000

#### References:

(a) Notice of Intent to Prepare an Environmental Impact Statement for the Planned Sasabe Lateral Project and Request for Comments on Environmental Issues of 1 August 2012

(b) El Paso Natural Gas Draft Environmental Resource Reports of 5 October 2012

Additional references are listed in Attachment 1

#### 1. Summary of these Comments.

These comments supplement my oral comments made at the Sasabe Public Comment session on 20 October 2012. Important areas that the Draft EIS must include are:

First, the project's requirements are not properly defined in terms of who needs what demand for natural gas and when such demands to be delivered, so that required amount of natural gas can be delivered by this proposed pipeline. Until this requirement, in terms of a long-term natural gas purchase agreement or contract has been approved by the FERC and CFE, no final actions, such as starting construction, should be taken. Project risk is high.

Second, viable Alternatives exist that were not considered to meet a "required" delivery demand. Pre-specifying a border interconnection at Sasabe is NOT a requirement. Alternative border crossing points must be considered that are viable with additional benefits not considered. Further, the total and cumulative environmental impacts of the US and Mexican "subsystems" must be assessed together as one system, not separately. Mexican requirements, details and environmental data must be in the Draft EIS.

Third, detailed archaeological reports should result from any pipeline in these valleys with full time participation with Native Americans cultural resource experts is essential.

Fourth, individual and national security issues from terrorist illegal activities to recreational vehicles along the ROW and access roads needs to be very clearly presented in the Draft EIS.

Fifth, additional information involve EMF impacts, noise and light impacts, and earthquakes on gasoline Alternatives must be in the Draft EIS.

#### 2. Issues:

##### A. Issue One – Required "Need" for this Project is NOT ADEQUATELY Defined.

This is the most important issue. The presentation of "need" for this project in the EPNG Reports, ref b is clearly unsatisfactory. There will be significant project and financial RISKS IF

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Kinder Morgan (a.k.a. Paso Natural Gas, EPNG) defaults or fails because of the poorly defined "need" used to scope out the project's requirements and its environmental impacts.

An example using Company A (EPNG) and Company B (CFE) follows. It appears that Company A says it meets the need of Company B because Company B says it needs Company A to build a pipeline. This is an improper use of the word "need". A "need" for the project is defined as the "requirements" for the project, as this is not that A depends on B and B depends on A, thus this circular logic fails to show there is a "need".

A project's requirement is defined in terms of what, where and when natural gas is required to meet a known, defined, and specified demand for natural gas. This requirement for what required by construction this project defines "need". A "need" is not an administratively determined interconnection point on the border where Company A or B says it wants a pipeline to be build. The intersection point or points will be defined by designing a project to deliver natural gas to a customer at a point of delivery with a defined amount by a certain date with the minimum environmental impacts.

The final decision is based on total benefits of the proposed project balanced by the total costs as will be described in the Final EIS. Without understanding the actual requirements, which are presently not clear in ref b, this leaves EPNG in a HIGH RISK situation. Without long-term and approved natural gas purchase agreements there is nothing to ensure there will be financial viability for this project to succeed.

My oral presentation said this project has HIGH RISK. This risk is so great that FERC must require that CFE "insure" potential EPNG losses with a financial security bond to adequately cover this risk (and CFE may also require the same of EPNG). If EPNG loses money constructing this project, with associated resultant environmental impacts because there are no "real" requirements, those costs must be able to be recovered so that complete restoration to the "before" state of the right of way (ROW) will be paid by CFE (or EPNG in Mexico) and not by US (or Mexican) taxpayers or EPNG shareholders.

### Conclusion.

As stated in ref b, only a small percentage of the total system capacity of this project may possibly be used for an undefined use (e.g., a possible conversion of the fuel for a power plant to natural gas) near Puerto Libertad, Sonora, Mexico. This must be legally be defined with signed natural gas PURCHASE AGREEMENT(s) or similar contracts, approved by the FERC and by CFE, for at least 25 years of a defined natural gas demand equaling at least 50 percent capacity for this natural gas pipeline PRIOR to allowing any construction.

### Recommendation.

Until FERC has approved a long-term, 25 years or more, natural gas purchase agreement(s) between EPNG and CFE for at least fifty (50) percent of the capacity of this proposed natural gasline, no construction should be allowed. The Draft EIS must include this Agreement, or as a minimum, if Confidential, a statement that such an agreement has been consummated.

### **B. Issue Two – Additional Alternatives are Necessary.**

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Only three Alternatives were proposed by EPNG: (1) the NO ACTION Alternative, (2) an East Alternative, and (3) a West Alternative, both generally parallel to State Road 286 to the border with Mexico. Both the East and West Alternatives provide for a gasline between the same points, to an interconnection with CFE's portion at the international border at Sasabe, Arizona/Sonora. The discussion in ref b rejected of all other potential Alternatives is very weak, lacks factual basis, and does not adequately support elimination of all the other Alternatives because the benefits of these Alternatives are not adequately considered.

There is nothing at all MAGIC about interconnecting at the Sasabe other than that is where CFE wants to interconnect. This is NOT a valid "requirement" but is a possible goal for CFE as other viable Alternative interconnections are possible, in particular, at or near Ambos Nogales. There is a significant demand for natural gas in Nogales, Sonora, with a population of over 300,000 and with a vibrant industrial capacity with hundreds of manufacturing plants. This larger potential natural gas customer base was not considered in terms of the benefits such an Alternative could provide. Also, this Alternative should increase the "demand" for this project.

There is a national utility corridor<sup>9</sup> through the southeast corner of the Coronado National Forest that avoids the known "Roadless area". Also there is a second EPNG pipeline to the east of Nogales, Arizona. Both of these originate at the EPNG Mainline, in general, parallel to Interstate 10 (I-10). Either of these existing EPNG ROWs could be extended to include a new and larger natural gasline.

At present, Nogales, Arizona, is a non-attainment area under the Clean Air Act. This is due to the prevailing winds from the south with polluted air from Nogales, Sonora. There is NO natural gas in Nogales, Sonora, thus other more polluting fuels are commonly used such as wood, coal or propane. With hundreds of industrial sites and a large population exceeding 300,000, providing natural gas to Nogales, Sonora, will benefit Ambos Nogales, a win-win situation, was not considered in ref b.

### Conclusion.

Additional Alternatives, using either of the two existing EPNG line ROWs to Nogales, Arizona, must be considered as Alternatives to the East and West Sasabe Alternatives. This can Alternative can meet the delivery requirements to satisfy a specified quantity for natural gas to Sonora and for further transportation to unknown sites by CFE. (See Issue 1, as these sites must be included as firm requirements).

### Recommendation.

At least one of the two existing EPNG ROWs to Nogales, Arizona must be considered as viable Alternatives in the Draft EIS.

### **C. Issue Three – Electricity EMF Impacts on the Gasline are Missing.**

<sup>9</sup> This multi-purpose utility corridor was developed and approved under Section 356 of the Energy Policy Act of 2005. At present, EPNG uses this corridor for smaller natural gaslines to Nogales, Arizona. This natural gas transportation line, constructed about 1959 is operating at nearly at its maximum capacity and is operating at less than its maximum design pressure due to its age. Also, ref b did not mention the second EPNG line through Sonoita and Patagonia, to Nogales, Arizona.

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There are several ways that electricity from powerlines can impact a natural gasline. A pamphlet issued by the Bonneville Power Administration was provided during my oral comments for the record. This provides an overview of powerline impacts on gaslines and other nearby ferromagnetic structures. More technical project information is necessary to assess these impacts based on physical factors such as distance between powerline and gasline, maximum capacity of the powerline, conductivity of the soil over the gasline, humidity and temperature seasonal variations, steel composition used in the pipeline, and cathodic protection system capabilities for the gasline and the planned expected life for the gasline.

First, the electric and electromagnetic fields (EMF) from a power line can “induce” electricity through the ground to the ferromagnetic material in the pipeline. The pipeline then acts like a powerline. Having electricity and natural gas adjacent to each other, with an explosive environment existing with a low volume of natural gas in the atmosphere, this is not a good situation.

Second, when a small amount of electricity from the powerline reaches the gasline, this change the planned “charge” to the pipeline that is countered by a gasline cathodic protection system. This additional electric field and increase the oxidation rate and the pipeline erosion rate increased. This reduces the life of the gasline.

### Conclusion.

The technical factors involving EMFs from all powerlines that cross or are near this proposed gasline must be evaluated in terms of their impacts on the gasline along all Alternatives.

### Recommendation.

The technical factors must be evaluated with the resultant EMF impacts on this gasline included in the Draft EIS.

### **D. Issue Four – Native American Artifact Impacts.**

The Altar Valley, Santa Cruz Valley and other southern Arizona valleys and washes are nearly continuous archeological sites, along the proposed and all possible Alternatives. Hundreds of sites are within the proposed construction and final ROWs. Most are unknown. The company has done an excellent assessment of known sites in ref b with plans to avoid all but three these known sites, which will need to be evacuated by professional archaeologist prior to construction. A registered professional archaeologist, approved by the Arizona SHPO, must be on site, during all times, whenever soil is being moved.

The unknown sites that will be found during pipeline excavation must be carefully evaluated. Using Native American archaeological research assistants as full-time members of the EPNG archaeological team during all activities that involve moving soil is essential. Teamwork will ensure that the Native American community is confident ALL work that might impact their cultural resources are performed with their on-site support.

In the EPNG Reports, ref b on .pdf page 800, states that EPNG will be notified if any Native American artifacts are discovered and then that FERC will decide what to do next. A procedural disconnect appears to exist between notifying EPNG and FERC as to what happens. A clear, step-by-step process is required so all the archaeological actions are preformed by the EPNG

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and Native American archaeological team, SHPO, Arizona State Museum, and FERC for various anticipated findings.

### Conclusion.

Ref b is not clear as to the participation of Native Americans as paid workers as a part of EPNG archaeological team and the specific steps for action upon discovery of cultural resources.

### Recommendation.

The Draft EIS must include continuous participation of Native Americans on the EPNG archaeological team and the detailed steps after discovery of various cultural objects.

### **F. Issue Five – Pipeline Archaeology Report.**

During my oral comments, I showed my personal copy of ref c. The introduction by Jesse L. Nusbaum, Consulting Archaeologist, Department of Interior is quoted below:

*Dedicated  
to  
El Paso Natural Gas Company*

*On behalf of all authors and cooperating institutions,  
in appreciation of outstanding cooperation with Science,  
and Government, in saving, at its own expense, the  
irreplaceable archaeological values that its pipeline  
construction threatened to destroy, and generously  
contributing to the Museum of New Mexico and the Museum  
of Northern Arizona most of the means needed to prepare  
and to publish this first report on Pipeline Archaeology.*

*/s/ Jesse L. Nusbaum  
August 8, 1956  
Consulting Archaeologist  
Department of Interior*

Based on the above, it is obvious EPNG has done more than the minimal Type I, etc. archaeological surveys and has a track record of “saving” for posterity these unique treasures at its own expense. This kind of additional archaeologist support, as has been demonstrated by this company over a half-century ago, is very important as this pipeline that can destroy cultural remains that may never be properly evaluated and assessed.

### Conclusion.

EPNG knows how to properly support archaeological work during construction of a pipeline, with much of this support occurring after pipeline construction has been completed. EPNG had demonstrated it could do that “at its own expense” and for this project, such support is also requested with an excellent report in ref c that “saves” the information for the future.

### Recommendation.

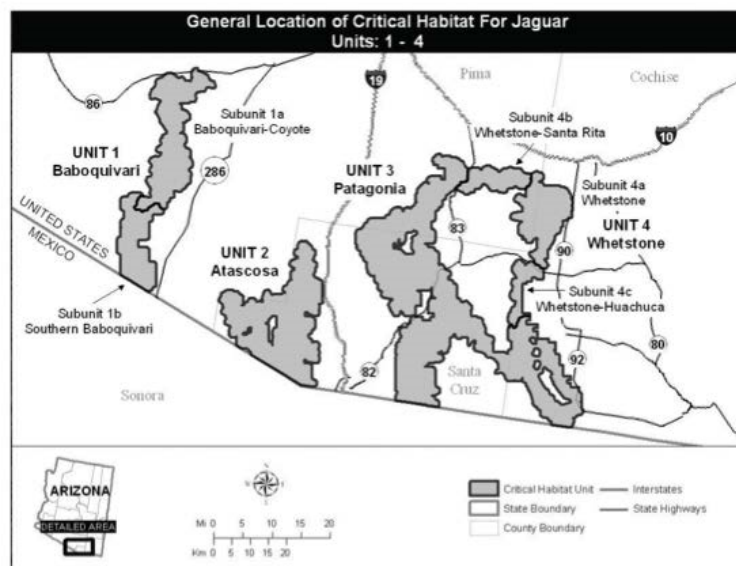
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EPNG must consider financially supporting archaeological work after this project so that the irreplaceable cultural resources are available for future generations with a similar report, similar in quality to ref c, issued by a leading archaeologist after completion of this project.

### G. Issue Six – Jaguar and other Endangered Species Impacts.

The Baboquivari (Unit 1), Atascosa Mountains (Unit 2), and Patagonia (Unit 3) are preliminary designated critical habitat areas for the jaguar as proposed in ref d. The East and West Alternatives might impact Unit 1 while the Nogales Alternatives might for Units 2 and 3.



Reference d discusses environmental impacts on this species with important considerations that ELNG must consider including potential migration between various known jaguar locations in Units 1 to 4 (shown) and Units 5 and 6 (east of the above map). Other endangered species require special care. Additional jaguar information is also in ref e.

### Conclusion.

There is a possibility that various Alternatives might impact this critical habitat area for the jaguar known to have recently been located in the Baboquivari, Atascosa and Patagonia Units 1 to 3.

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Recommendation.

Due to the local and national importance of recovery of the jaguar, consideration of its proposed critical habitat must be included in the Draft EIS based on potential Alternative impacts.

**H. Issue Seven – Earthquake Impacts.**

The EPNG Reports in ref b do not address the impacts of various magnitude earthquakes on this line and its associated equipment, meters, compressors, etc. As discussed in Ref f, shown at the public comment session, major earthquakes do occur in southern Arizona/northern Sonora, Mexico.

The impact of a 5, 6 or 7 magnitude earthquake on this system needs to be considered. Several faults are shown in ref b that appear relatively close to the proposed gasline East and West Alternatives. Major local earthquakes such as the 1877 one discussed in ref e and shown during my oral presentation, may occur at unpredictable intervals and could have important impacts on the gasline for Nogales Alternatives than impacts on the East or West Alternatives.

Conclusion.

Although those faults might not be presently active, understanding in advance the impacts for a reasonable range for major earthquake on all pipeline segments for all resultant Alternatives should provided to the public, especially the safety issues due to the possible hazards if the gasline is ruptured.

Recommendation.

The Draft EIS must include the resultant safety issues and impacts of major earthquakes, between magnitudes 5 and 7, on each segment of this pipeline system including support equipment and a pipeline rupture.

**I. Issue Eight – Border Patrol Impacts.**

Significant and serious individual and national security issues exist with this project that are poorly addressed in the EPNG Reports in ref b.

These include ongoing local illegal activities such as drug and human smuggling by various competing cartels and “rip-off” gangs in and outside the United States, potential terrorist entering the United States with automatic weapons and possible chemical, biological and/or nuclear radiation agents, and large amounts of cash being smuggled into Mexico by armed personnel. All of these activities create and use new vehicular, horse and pack animal, and walking trails in this area to avoid law enforcement.

Any clear pathway along the pipeline ROW will become a superhighway for these illegal activities. Ref b (at .pdf page 821) indicates that EPNG would take “*prudent measures*” to discourage illegal traffic on the ROW and access roads developed for this project. These “prudent measures” are NOT defined. If EPNG can prevent such illegal traffic, then these preventative measures should be provided to the Border Patrol to enhance its mission, but experience indicates that NO measures can guarantee to stop these activities. What and how EPNG intends to deter these activities must be clearly articulated, in terms of types of barriers,

## IND20 – Marshall Magruder (cont'd)

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sensors (with access by the Border Patrol), secure communications links, and notification procedures.

Additional security measures are also necessary to prevent ATV/ORVs from using the ROW and access roads for recreational use. This must include dust suppression measures.

Specific support to the Border Patrol should be provided by EPNG including furnishing access and electricity for BP equipment such as visual cameras and transmission sites. Close liaison with the BP will be necessary for this project.

EPNG needs to show how vulnerabilities to the pipeline and its support equipment are designed to ensure that illegal activities do no harm or destroy this pipeline. EPNG must ensure that this pipeline is secure from tampering or explosions by terrorist, cartels, or others who are a threat.

### Conclusion.

The EPNG Reports in ref b fail to provide any information about the security measures to reduce pipeline vulnerabilities, how EPNG will work with the Border Patrol, the measures EPNG will use in its ROW and access roads to prevent illegal activities, and how it will prevent recreational ATV/ORV use of access roads or the ROW.

### Recommendations.

1. The Draft EIS must specify the “prudent” security measures including their capability and location to prevent all forms of illegal traffic and recreational vehicles along the ROW and access roads developed to support this project.
2. The Draft EIS must discuss security vulnerabilities and how this pipeline incorporates security measures to prevent harm or destruction of the pipeline by terrorist or others.
3. The Draft EIS must show how EPNG will support and enhance the mission of the BP to prevent illegal activities along this ROW including access and utilities.

### **Issue Nine – Impacts of Lights on Animal Species.**

Light impacts almost all species. Any lights used by EPNG along its ROW and support equipment must be included in its reports. National Observatories at Kit Peak have concerns about any lights that fail to meet the minimums of the Pima County “dark sky” ordinance.

### Conclusion.

No discussion about lighting from EPNG equipment during construction or operations was found in the Reports, ref b, thus the impacts of any such lights was missing.

### Recommendation.

The Draft EIS must include information about all lights installed on EPNG equipment along the ROW and supporting sites and, if applicable, the impacts of these light on various species, especially endangered and threatened species under the Endangered Species Act (ESA) and compliance with the Pima County lighting ordinances.

### **J. Issue Ten – Impacts of Noise on Animal Species.**

## IND20 – Marshall Magruder (cont'd)

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Similar to light, noise also impacts various species as shown in reference g and h. Noise from roads particularly impact species and increase species fragmentation and, in some case, may disturb and disorientate. Noise from compressors, vehicles, and relief valves needs to be presented to the public as some residential homes are near the ROW and access roads.

Polar view diagrams of noise patterns from high noise emitters are necessary to understand the noise intensity and impacts. Some potential noise emitters, such as from a relief valve, are not frequent; however, this is the kind of noise effects that must be understood and mitigation included, where appropriate.

### Conclusion.

The EPNG Reports in ref b did not adequately present and show the key noise emitters along the ROW and their intensity pattern. Further the impact of noise on various species, including those listed under the ESA was not presented.

### Recommendation.

The Draft EIS must show where the key noise emitters, the intensity of sound emitted, its frequency of emission, and how these sounds impact ESA species.

### **3. Miscellaneous Comments.**

A. As indicated in refs a and b, a paper copy of the Draft EIS, Final EIS and all Records of Decision (RODs) are requested.

B. If there are any questions concerning these comments, please feel free to contact me at the above address, below phone number or by email.

Respectfully submitted,

Marshall Magruder  
[marshall@magruder.org](mailto:marshall@magruder.org)  
520.398.8587

## IND20 – Marshall Magruder (cont'd)

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### Attachment 3

#### Attachment 1

#### Additional References

(c) *(Pipeline Archaeology - Reports of Salvage Operations in the Southwest on El Paso Natural Gas Company Projects 1950-1953)*, ed. By Fred Wendorf, Nancy Fox, Orian L. Lewis, Santa Fe NM: Laboratory of Anthropology and Flagstaff: Museum of Northern Arizona, 1956.

(d) *Federal Register*, Vol. 77, No. 161, 20 August 2012, Department of Interior, Fish and Wildlife Service, "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Jaguar," Docket No. FWS-Rs-ES-2012-0042, pp. 50214-50242.

(e) *Borderland Jaguars: Tigres de la Frontera*, by David E. Brown and Carlos A. López González, Salt Lake City: University of Utah Press, 2001.

(f) *The 1887 Earthquake in San Bernardino Valley, Sonora: Historic Accounts and Intensity Patterns in Arizona*, by Susan M. DuBois and Ann W. Smith, Tucson: Arizona Bureau of Geology and Mineral Technology, Special Paper No. 3, December 1980.

(g) Barber, Jesse R., Chris L. Burdett, Sarah E. Reed, Katy A. Warner, Charlotte Formichella, Kevin R. Crooks, Dave M. Theobald, Kurk M. Fristrup, "Anthropogenic noise exposure in protected natural areas: estimating the scale of ecological consequences," *Landscape Ecology*, 2(2011): 1281-1295. This report is filed with these comments and labeled "ref g". [NOT included herein, see FERC eDocket]

(h) Barber, Jesse R., Kevin R. Crooks, and Kurt M. Fristrup, "The Costs of Chronic Noise Exposure for Terrestrial Organisms," *Trends in Ecology and Evolution*, 25(3): 180-189, 15 Sept. 2009. This report is filed with these comments and labeled "ref h". [NOT included herein, see FERC eDocket]



# INDIVIDUALS

## IND21 – Charley Miller

20131217-4001 FERC PDF (Unofficial) 12/17/2013

CHARLEY MILLER  
ELKHORN RANCH  
27000 WEST ELKHORN RANCH ROAD ... TUCSON, ARIZONA 85736

December 12, 2013

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: **Comments on Sierrita Pipeline Project, Draft Environmental Impact Statement**  
**Docket Nos. CP13-73-000 and CP13-74-000**

Dear Secretary Bose:

In reviewing the draft EIS for the Sierrita Pipeline, several points were very apparent.

**The first is that the FERC accepts that any alternative route must end in Sasabe.**

IND21-1 | The acceptance of this delivery point has had the negative effect of eliminating all but two of the alternative routes. The FERC makes the valid point that the Sasabe delivery point is also regulated by the Mexican government; and that the FERC has no authority over them. However, the Mexican contractors are apparently principles in the Sierrita Pipeline. The delivery point has essentially been decided between the right and left hand of the same entity. It is not hard to make an agreement with oneself. If the FERC changed the delivery point of the right hand, we feel the left would follow.

**The next obvious point in this draft EIS is that the FERC values the rights of public agencies over private property rights.**

IND21-2 | Crossing of Federal lands eliminates all other alternatives but one. The exception is eliminated because it crosses Tribal lands. The FERC properly has decided that a route over Tribal lands, as private property, would require approval by the Tribal Council. Unfortunately, the FERC does not extend this courtesy to any other category of private property, which is subject to eminent domain.

IND21-3 | The route which the FERC maintains is the best route, from the standpoint of minimizing environmental impacts, is the Eastern Alternative alongside the highway, that crosses BANWR. This route was not permitted by the FWS. On page 3-6, the DEIS states that BANWR is one of the largest contiguous tracts of semi-desert grasslands in southern Arizona "particularly when adjacent lands are considered". These adjacent lands are mostly ranches owned by members of AVCA and ASLD and are the lands currently proposed to house the pipeline.

On page 3-8, "in it's evaluation, the FWS concluded that the eastern alternative would result in unavoidable and /or significant impacts on cultural resources; conflict with NHPA, disturb wildlife; disrupt migration, degrade and fragment habitat; affect threatened and endangered species; contribute to the spread of invasive species; alter hydrology; increase the risk of wildfire; contribute to border related safety issues; be aesthetically displeasing; and impair wildlife dependent recreation." The FWS ruled that such impacts would compromise the BANWR and as such the East Route Alternative would not be appropriate. Therefore the FWS would not authorize a route on the BANWR. We maintain that these disruptions will occur to a greater extent on the proposed route.

In fact, on page 3-9, the FERC comments "most of the impacts cited by FWS would occur on both the proposed route and the East Route Alternative," and "installing" the pipeline close to the existing road and utility line would largely avoid impacts associated with fragmenting one of the largest tracts of contiguous semi-desert grassland in southern Arizona."

IND21-1 | See responses to comments PM1-4, PM1-9, PM1-10, and PM1-33.

IND21-2 | Comment noted.

IND21-3 | See response to comment PM1-10.

Z-449

## IND21 – Charley Miller (cont'd)

Z-450

20131217-4001 FERC PDF (Unofficial) 12/17/2013

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- IND21-3 (cont'd) Further on page 3-10, as related to immigration, FERC states, "In comparing the two routes, it is evident that the East Route alternative is preferable to the proposed route because the East Route alternative is immediately adjacent to the highway, which is already heavily patrolled by the USBP."
- Finally, you state "Based on our analysis, it appears that the East Route Alternative would result in less environmental impacts on most resources as compared to the proposed route."
- After having made these statements that strongly support the eastern route over the proposed route, you conclude that the FERC has no authority over lands controlled by another federal agency and no power of eminent domain on Federal lands, and therefore you cannot recommend the Eastern Alternative even though it is obviously the most environmentally feasible option.
- IND21-4 Eminent domain is available to condemn an easement through private lands, however so on that basis you recommend the Western route. This indicates a clear bias towards rights of the federal agencies over private property rights and also a preference for political expediency over environmental responsibility.
- In the Altar Valley, area ranchers have been engaged in a cooperative partnership with County, State and Federal government agencies and other partner organizations and individuals in an attempt to better manage the watershed for the benefit of all. This kind of public / private enterprise relies on a feeling of trust between the "partners". As a private property owner in the Altar Valley, I find it difficult to believe in this partnership when my rights seem so unimportant compared to some of my "partners". Even the effects of the pipeline on the view-shed was evaluated primarily as it pertains to public land. The FERC concluded that on the portion of the Baboquivari Wilderness that is on the Elkhorn, the view of the pipeline was insignificant. This is correct at that point. However, there are many areas on the Elkhorn on private property, where most of the Altar Valley is in the view-shed and the pipeline right-of-way will be very noticeable and negative. We have made a business for some 68 years, of showing the public the unfractured valley. The pipeline will affect that experience, and therefore will impact the public. The FERC seems to be ok with an impact on the public as long as they are impacted on private land and in private business and not on public land. So much for the public / private partnership.
- It does not appear that the FERC ever seriously considered any of the other alternatives, in particular moving the border crossing point to a location already encumbered by development.
- IND21-6 This DEIS comes across as an inter-agency back-scratch. It does not appear that the FERC ever seriously considered any of the other alternatives, in particular moving the border crossing point to a location already encumbered by development.
- IND21-7 Additionally, on page 1-4 FERC states, "as a result of NAFTA, the Project's proposal to export natural gas to Mexico is considered to be consistent with the public interest" and later that the No Action Alternative was never an option because it doesn't result in the export of natural gas.
- IND21-8 Coupled together, the fact that FERC didn't consider delivery points other than Sasabe, that the most desirable route from an environmental and border security standpoint was never available, and the fact that you have already decided that this project is in the public interest, I can't help but wonder what this façade of a public process is really about. It appears as though all aspects are pre-ordained. If all aspects are pre-ordained, it would seem that the point of this DEIS is to satisfy legal requirements and not to seriously consider the alternatives.
- However, in the hope that there is some point in this process, I have some comments on the pipeline project itself.
- IND21-9 It would seem that the FERC's recommendations are an attempt to control some of the offsite effects of the pipeline. Of this, I heartily approve. We believe in watershed management, and many of these additional recommendations seem in that vein. We do note, however, that the additional recommendations seem geared entirely towards endangered species management

IND21-4

The FERC staff does not have a bias towards federal lands over private lands. However, as stated in section 3.5.1, the FERC has no authority to require another federal agency to approve a pipeline within that agency's administrative boundaries, nor does the NGA grant eminent domain authority to an applicant to condemn federal lands. Therefore, any recommendation by FERC to require a route on federal lands where authorization will not be granted would effectively be a recommendation of the No Action Alternative. We find no reason to make such a recommendation, as we concluded that the proposed Project (along with our recommendations) can be constructed with an acceptable level of environmental impact. The Commission will take our environmental conclusions into consideration when it decides whether or not to approve the Project.

IND21-5

Sierrita completed a viewshed analysis based on specific areas identified during the scoping period as having the highest visibility and viewer sensitivity. As acknowledged in section 4.8.5.1, the Project would result in a long-term to permanent impact on visual resources.

IND21-6

See response to comment PM1-6.

IND21-7

The commenter's statements regarding NAFTA and the No Action Alternative are noted.

Also, as stated in section 3.1, the Commission has two possible courses of action in processing applications under section 7 of the NGA: 1) deny the requested authorization, or 2) grant the Certificate with or without conditions. We note that the EIS is not a decision-making document and the Commission has not yet made a determination on whether to issue Sierrita section 3 and 7 authorizations.

IND21-8

See responses to comments PM1-4 and PM1-6.

IND21-9

The commenter's statements regarding offsite effects and broader impacts are noted. Also see response to comment PM1-24.

If there are erosion and stabilization issues that require attention, Sierrita's Operations and Land Department would coordinate with the landowner or land-managing agency to address site-specific issues. Further, if an issue or concern is identified by a landowner or land-managing agency, Sierrita can be contacted directly at 1-877-598-5263.

We note that Sierrita proposed additional mitigation measures beyond its Plan and Procedures, and that both the draft and final EIS includes our additional recommended mitigation measures that relate to impacts on resources beyond endangered species, including watershed protection. The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.

## IND21 – Charley Miller (cont'd)

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- IND21-9 (cont'd) and that they neglect broader watershed and habitat concerns and the human environment, particularly public safety related to border security.
- IND21-10 I approve of the idea that monitoring will go on past the five year minimum until the FERC and the ASLD agree that objectives are being met. I would like to suggest that an individual designated by the Altar Valley Conservation Alliance be included in this approval process. Although most of the land concerned belongs to the ASLD, the pipeline will directly affect several ranches that are AVCA partners. We feel it reasonable to have an AVCA designated person involved in the discussion of when to stop monitoring.
- IND21-11 Even with FERC's recommended changes, the reclamation and revegetation plan is primarily concerned with the ROW and not offsite effects of the pipeline. I feel there will be major effects in the larger watershed. We would welcome additions to the plan should these occur.
- IND21-12 The idea of reviewing revegetation success after two growing seasons is a good one. Again, I would like to suggest that an AVCA designate be part of this process. We have a large and long-term interest in the health of this watershed.
- IND21-13 As an aside, I would like to remind Sierrita that this is the Sonoran Desert. The commitment to fix broken water lines in 30 days is, I must assume, a joke or a bad typo. Thirty days in July without water is a really long time. Rather, affected parties should be notified within one hour of the waterline break; and the break should be fully repaired within 24 hours.
- IND21-14 Overall, we still believe that the reclamation and revegetation plan will prove inadequate. We hope that with the 2 year review and longer term monitoring, inadequacies can be corrected. We feel that it is important that Sierrita establish a bond or some form of financial backing that can be used for project mitigation.
- IND21-15 We also feel that the so-called security plan, that we are not privy too, will prove inadequate. We feel that most of the measures advanced to control access will work for most reasonably law abiding people. Unfortunately, the one thing that drug runners and human importers have in common is that they are already engaging in illegal activities. One more fence and a few rocks and trees is a small impediment compared to what they are used to, namely the rugged Baboquivari Mountains. This pipeline route will become a highway for them to egress from the mountains. Again, we can only hope that this review system will correct these inadequacies early on.
- IND21-16 I am unconvinced that the aerial seed application will prove effective. I believe broadcasting at ground level to be much more effective. Hopefully, these inadequacies can be corrected early on.
- IND21-17 Finally, I would be remiss if I did not correct a misconception in the report that I assume to be unintentional. On 4-221, you report, as it applies to vegetative type, that "the previously existing dense, varied, native grasslands were intentionally replaced through vegetation slashing, burning, and seeding by ranchers in favor of fast growing, non-native vegetation." This comment is so ridiculous that it really doesn't deserve serious consideration. The progression in the Altar Valley from grassland to shrub is much more complicated than that, and this statement is extremely misleading and inaccurate. We recommend that you contact the University of Arizona range management department or retired NRCS range conservationist Dan Robinett or the USDA Natural Resources Conservation Service Tucson Field Office to do a better job of understanding this Sonoran desert phenomenon.

In general, I think that FERC's additional recommendations have strengthened the plan, but I still believe it to be a negative regarding the Altar Valley watershed. While the Eastern route would be less objectionable, I feel that any route is going to have negative environmental effects on this valley.

Sincerely,

Charles G. Miller

IND21-10

As discussed in section 4.8.2.3, Sierrita would secure easements to convey both temporary (for construction) and permanent (for operation) rights-of-way on private lands. Landowners have the opportunity to request that site-specific factors and/or development plans for their property be considered during easement negotiations, and that specific measures be taken into account. This includes affected landowners who are also members of the AVCA.

The EIS has been updated to clarify that after completion of restoration work, Sierrita would continue annual monitoring until the FERC and/or the BANWR determines that the restoration and revegetation goals have been achieved (i.e., that a plant cover has been established similar to that of the areas adjacent to the Project right-of-way that were not disturbed by Project construction). Also see response to comment SA6-12.

IND21-11

The commenter's statements regarding offsite effects and broader impacts are noted. Also see response to comment PM1-24.

If there are erosion and stabilization issues that require attention, Sierrita's Operations and Land Department would coordinate with the landowner or land-managing agency to address site-specific issues. Further, if an issue or concern is identified by a landowner or land-managing agency, Sierrita can be contacted directly at 1-877-598-5263.

IND21-12

The commenter's statement regarding including the AVCA in reviewing revegetation success after two growing seasons for Sierrita's consideration is noted.

IND21-13

See response to comment CO5-62.

IND21-14

See response to comment SA6-12.

IND21-15

The commenter's statements regarding the Security Plan and proposed restoration measures to deter unauthorized right-of-way use are noted. The CBP participated as a cooperating agency in the preparation of the EIS because it has special expertise on environmental resources associated with the Project. FERC staff is not in possession of the Security Plan.

IND21-16

In response to our recommendations in the draft EIS, Sierrita revised its *Reclamation Plan* and *Post-Construction Vegetation Monitoring Document* to clarify seeding mixtures, rates, and time periods based on the seeding method it would adopt at various locations along the route.

IND21-17

Section 4.14 has been updated to include additional information regarding past and ongoing efforts to promote restoration of the Altar Valley, modified grazing management practices, and historical cattle grazing.

Z-451

# INDIVIDUALS

IND22 – David Manning

Z-452

DECEMBER 13, 2013

RE: DOCKET NOS. CP 13-73-000 AND CP 13-74-000  
SIERRITA LATERAL PIPELINE PROJECT

ORIGINAL

DEAR SECRETARY BOSE:

I HAVE DUAL CITIZENSHIP IN THE USA AND CANADA.  
IN WINTERS I LIVE ON THE EDGE OF BUENOS AIRES NAT.  
WILDLIFE REFUGE AND THE ALTAR VALLEY. I AM A  
BIOLOGIST/ORNITHOLOGIST AND SPEND MUCH TIME  
OBSERVING AND PHOTOGRAPHING WILDLIFE, THEN WRITING  
ABOUT MY EXPERIENCES. I UNDERSTAND THE LOVE OF PLACE,  
THIS ALTAR VALLEY; MY MAIN REASON FOR WINTERING  
HERE IS DUE TO THIS OASIS OF WILDERNESS.

THIS VALLEY IS A REFUGE FOR ANIMALS AND PLANTS. IT  
IS EASILY OBSERVED HOW HUMANS CAN INTERFERE WITH  
THE NATURAL WORLD OF WILDLIFE; SO I TREAD LIGHTLY.

IND22-1 A PIPELINE PROJECT SLICING THROUGH THIS AREA WILL  
DRAMATICALLY IMPACT THIS PRISTINE-LIKE ENVIRONMENT,  
SPOILING IT BEYOND REPAIR. THIS IS A SPACE WE NEED  
IND22-2 TO SIMPLY LEAVE ALONE.

I URGE YOU, AS I AM ONE WHO ENJOYS AND NEEDS  
UNDEVELOPED WILDERNESS, TO NOT ALLOW THIS BEAUTIFUL  
VALLEY TO BE MARRIED BY A PIPELINE.

SINCERELY,

DAVID MANNING  
17222 CALLE MAPACHE, PO BOX 808  
ARIVACA, AZ 85601

FILED  
SECRETARY OF THE  
COMMISSION  
FEDERAL ENERGY  
REGULATORY COMMISSION  
2013 DEC 18 A 9 07

IND22-1 The commenter's concern that the Project would impact the environment is noted. The EIS describes the direct, indirect, and cumulative impacts that Project would have on the area.

IND22-2 The commenter's preference for the No Action Alternative is noted.

# INDIVIDUALS

## IND23 – Roger McManus

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Draft Environmental Impact Statement for the Proposed Sierrita Project

Dear Ms. Bose:

This communication supplements a previous effort to provide my comments electronically previously. This is largely to ensure my complete comments are available for your consideration.

I am providing comments on the above Draft Environmental Impact Statement. I respectfully suggest that the circumstances of this particular Project would suggest maximum effort on the part of the Commission to accommodate the desires of the Southern Arizona community for additional time, information and analyses in light of widespread opposition by local government, resident communities, and other interests concerning the environmental impacts of the proposed action.

IND23-1 The Commission should consider that this region is suffering from a major disenfranchisement from the Federal government due to the adoption of national policies that have unduly disrupted their lives and economies. Many of the residents feel helpless in the face of policies that have increased illegal migrant traffic and other activities. Some are being directly informed by Federal officials that they should be armed when they leave the confines of their homes. They live in fear of their safety and loved ones. They have suffered major losses in their rights as citizens to oversee and participate in government actions due to the massive, blanket waivers of Federal law regarding border security and activities of the U.S. Border Patrol.

IND23-2 Now we have a proposed action under the jurisdiction of the Commission that your staff have asserted in public meetings provides citizens with more limited participation and engagement than they would normally expect under the National Environmental Policy Act.

The FERC has an opportunity to ensure American citizens look to the Commission as partner with citizens in examining the impacts this proposed action will have on their lives. Again, I suggest that you adopt a particularly proactive and flexible effort in this case to accommodate public concerns.

IND23-1 The commenter's statements regarding national policies, illegal migrant traffic, and loss of rights are noted.

IND23-2 The FERC solicited comments on Sierrita's Project from the public and agencies during the scoping period, a site visit, and the draft EIS comment period, as well as several agency and public meetings. Substantive comments have been incorporated into and addressed in the draft and final EIS. All timeframes for review have been in accordance with FERC regulations, NEPA, and CEQ guidance.

## IND23 – Roger McManus (cont'd)

Z-454

### Summary Suggestions:

IND23-3 Formal Extension of the Comment Period. I suggest you agree to a 60 day extension to the comment period for the Draft. This extension has been requested by the Tohono O'odham Nation for the need for more time to honor the circumstances of its members. In addition, you have received several requests for an extension from residents of the Altar Valley and others.

IND23-4 Prepare a Supplemental Draft Environmental Impact Statement. There are a number of significant deficiencies in the DEIS that need to be corrected, and it simply is not satisfactory that they are addressed in a manner that is perceived to be perfunctory on the way to completion of a Final EIS and to the Record of Decision. I cannot over emphasize the importance of providing the respect and flexibility you have available to address the public's concerns.

IND23-5 Seriously Consider Adoption of the No Action Alternative. Recognizing the constraints the Commission feels by its practice and application of NEPA, the public deserves to know that you are serious about preserving the option of rejecting the proposed action and providing the opportunity to the applicant or others of proposing a more acceptable proposal and route for a pipeline. This is not a situation where critics are opposing a pipeline, opposing American jobs, or suggesting we forgo the economic benefits of increased capacity for transmitting natural gas to the benefit of the United States, Mexico and the broader region. This is a situation where the local government and communities reject the proposed alternative, but actively embrace an alternative route. To indicate no willingness to facilitate such an outcome suggests an unnecessary adversarial relationship to citizens and their government. As noted above, this on top of a significant, general feeling of disenfranchisement by U.S. citizens in the region.

#### IND23-6 I. Extension of the Public Comment Period.

The FERC timeframe for comments falls right in the middle of a traditional holiday season in a community that is very traditional. It is a community not well versed in the details of the regulatory process which they are subjected to by the Commission (arguably the Commission has a responsibility to help ensure that is not the case), they are small in number and limited in financial resources, and have lived their lives with the commitment that their roles in the Altar Valley have been conducted to living beyond themselves for its stewardship. You would respect and honor them by electing to formally extend the comment period and ensure they have maximum opportunity to participate meaningful in the process.

Moreover, there appears to be no compelling reason why an extension should not be granted. Sierrita to my knowledge has not presented any argument of special urgency that is not of their own making. However the community is well aware of the unique situation in this case that the connecting pipeline is already being constructed in Mexico for the proposed terminal in Sasabe. The public needs assurance that this fact is not unduly influencing the Commission, and that it does not indicate that a decision already has been made notwithstanding the public process in progress. Rushing the comment period will not be reassuring.

IND23-3 The commenter's request to extend the draft EIS comment period is noted. The FERC continued to accept comments on the draft EIS and other related materials placed into the record past the end date of the comment period up until the point of publication of the final EIS.

IND23-4 The commenter's request to issue a supplemental draft EIS is noted.

IND23-5 See response to comment PM1-6.  
The commenter's preference for the No Action Alternative is noted.

IND23-6 The commenter's request to extend the draft EIS comment period is noted. The FERC continued to accept comments on the draft EIS and other related materials placed into the record past the end date of the comment period.

## IND23 – Roger McManus (cont'd)

Z-455

IND23-6  
(cont'd) During the hearing in Sasabe on December 14, your staff indicated that comments could be submitted after the deadline on December 16, but they could not guarantee those comments will be considered. In this case in particular, this uncertainty is not appropriate. It would seem prudent and collaborative to assure that the efforts of citizens to participate in this process is facilitated by their government.

I request you extend the public comment period for the Draft EIS by 60 days.

### IND23-7 II. Supplemental Draft Environmental Impact Statement

You will receive numerous comments on the inadequacy of the DEIS regarding issues that cannot be satisfied without a Supplemental DEIS. I will address this need generally recognizing others are providing detailed comments on specific issues.

IND23-8 Purpose of the Proposal. The statement of the purpose of the Project is inconsistently described at various points in the draft. While arguably what happens in Mexico is the business of Mexico, that purpose appears to the public to be dictating adverse impacts that will be suffered by U.S. interests – even though there are alternative actions that receive widespread support and on their face represent better choices as indicated to some degree in the current Draft DEIS.

The proposal has consistently in a number of fora been portrayed as a pipeline to deliver natural gas to Port Libertad and to Guaymas. The notion that the Commission has to don blinders that the proposal is just about a pipeline that has to end up in Sasabe without explanation by the applicant is substantively and politically unacceptable.

In particular, the circular logic that the U.S. government has to accept the characterization by the applicant that Sasabe is the only “viable” termination in the United States just because the applicant says so is unacceptable. Why more information cannot be supplied to support this case is elusive. While the Commission may argue that they have to accept the application as is, the spirit of the process and NEPA would suggest that additional information would be helpful. NEPA is an important statute designed to engage the participation and oversight of citizens in proposed government actions. Essentially, without providing additional information on the purpose, particularly regarding the Sasabe termination the Commission is injecting a narrow legal perspective for a proposed action that people feel will significantly affect their lives. People feel their lives, livelihoods and values are being ignored. There is no legal restriction to prohibit the purpose being better understood and consistent in the DEIS!

IND23-9 The choices available to the Commission in the Final EIS and Record of Decision: Greater attention needs to be paid to the process and parameters for the Commission to accept the No Action Alternative or approve the permit. On page ES-8 the Commission states: “While the No Action Alternative would eliminate the environmental impacts identified in the Draft EIS international markets would be denied ... delivering .. natural gas... from EPNG’s existing pipeline system to Mexico.” This is simply not true. While the FERC may argue that they can

IND23-7 The commenter’s statement regarding the need for a supplemental draft EIS is noted.

IND23-8 See responses to comments PM1-4, PM1-6, PM1-9, PM2-3, and CO4-13.

The point where IENova is planning to take-up natural gas from Sierrita is located in another country and is subject to the jurisdiction of that nation, and not the United States or its regulatory agencies.

IND23-9 See responses to comments PM1-6 and PM1-10.

## IND23 – Roger McManus (cont'd)

Z-456

IND23-9  
(cont'd)

only consider the very specific termination of a U.S. pipeline in the DEIS (a legal point of contention), adoption of a No Action Alternative would not preclude the current applicant or another applicant from subsequently proposing an alternative route, including routes widely supported by local government and communities. Contrary to the FERC position in the DEIS, this is not the last opportunity to deliver additional U.S. gas to Mexico.

The speculation that a No Action Alternative will result in less favorable energy sources is just that – speculation. It comes across as an example of the Commission being an advocate for this Project. “[N]o system alternatives were identified that are environmentally preferable to the Project.” Does that judgment suggest the Project is environmentally acceptable and the No Action Alternative is not an option for the Commission? Let’s be clear if you believe that is the case, but if you do have the option for the No Action Alternative that should be clearly stated as well. In any case, you should acknowledge the No Action Alternative could just as well probably result in a proposal for alternative route, and you could leave out the speculation of what calamities might ensue, like the election by some party to provide unreliable renewable energy, if Sierrita did not get its permit through this application. You are on the frontiers of logic and a legal tight rope to suggest that a No Action Alternative is not a viable, and indeed is probably a more constructive course.

IND23-10

The Analysis of Alternatives. The position taken by the Commission regarding its limitations to the specific proposal by Sierrita is not in the overall public interest of the United States of America. This is especially true given that we appear to have a very unique situation here, with the pipeline being constructed within sight of the United States prior to the conclusion of FERC’s process. FERC needs to take extra steps to ensure that the integrity of the NEPA process and its other administrative processes are not undermined by the appearance, or perhaps the reality, of a pre-determined decision.

The focus on the Sasabe termination results in a bizarre analysis of alternatives, including a suggestion that the company and the government would be forced to complete significant extensive detours of the pipeline on U.S. private and public lands. It would be helpful for the Commission to provide further analyses on the viability of these alternatives considering the restrictions on public lands, and takings of private property.

The truth of the matter is these alternatives are not serious alternatives and the analyses do not inform real choices. They are fabrications resulting from the premise that is questionable, rationally and legally. I know of no reason why in the spirit of the process and NEPA you cannot seriously analyze alternative routes with different terminations. You may be restricted from charging the applicant to accept alternative terminations, but the public deserves to know the full array of options. As indicated above, the current applicant or another applicant could alternatively propose a widely supported and imminently more acceptable alternative route supported by local government and communities. The notion that the Commission is powerless but to comply with the applicant’s demands underscores the feeling of helplessness and

IND23-10 See responses to comments PM1-4, PM1-6, and CO3-4.



## IND23 – Roger McManus (cont'd)

Z-457

- IND23-10 (cont'd) distrust of government. The FERC has a responsibility to do better for the citizens of our country, and it is within your power to do so.
- IND23-11 Mitigation. The fact is that the history of mitigation and restoration for such projects does not have a great history of success. Based on experience the potential that the public will be made whole is minimal. The DEIS needs to be very clear about the potential and the authority, and probability that FERC will be able to enforce mitigation agreements, presumably limited to the proposed corridor. The public, for good reason, is skeptical that FERC has or will allocate needed oversight, and for whatever it is worth there is virtually no faith that Kindred Morgan will be a good neighbor in this regard. In this light, greater care in drafting the DEIS is needed, and the Commission needs to be responsive in the supplemental to the significant comments provided in this regard.
- IND23-12 Again, the Draft needs to be purged of advocacy by the Commission for the proposal. The Draft is littered with suggestions that the applicant “would” implement mitigation requirements and options. Presumably this reliance underscores your conclusion about the minimal impact of the Project on the environment. The supplemental DEIS should recast these characterization as to actual prescribed requirements or voluntary proposals, and highlight that actual compliance with requirements will depend on dedicated Commission oversight and willingness of the applicant to perform as prescribed and expected. Expectations, based on experience, by experts and the public at large are not high that mitigation will be actively pursued or particularly successful. The assurance and assumption that mitigation will be carried out and successful is inappropriate advocacy on the part of the Commission to justify the approval of the Project.
- IND23-13 I request you prepare a Supplemental DEIS to address the deficiencies and concerns of the local governments, citizens and other interested parties in this proposal.
- IND23-14 **III. No Action Alternative**  
As noted above, the Commission needs to spell out the choices and circumstances in which it concludes that it should endorse a No Action Alternative. If other alternative routes cannot be prescribed through this process, the No Action Alternative would enable the same applicant or other applicants to come back and propose a much more acceptable alternative route. The suggestion that a No Action Alternative would probably result in no gas being delivered to Mexico (which is not true now) or in more environmentally harmful results is inappropriate speculation that comes across as Commission advocacy for the project.  
I request that you seriously consider the No Action Alternative, and in light of the current circumstances request you adopt that choice.
- IND23-15 Finally, I would emphasize that while I am very supportive of the professional work and conduct of FERC staff, this DEIS is not acceptable work for the Commission to carry out its responsibilities. The legal basis and choices for the FERC decisions need to be clearer, and you

IND23-11 Impacts and timeframes for restoration are acknowledged throughout the EIS. Also see responses to comments SA6-12, LA1-106, and LA1-109.

IND23-12 The use of “would” is consistent with FERC formatting and style and indicates that the action is contingent upon FERC authorization.  
Also see responses to comments LA1-106 and LA1-109.

IND23-13 The commenter’s request to issue a supplemental draft EIS is noted.

IND23-14 We find no reason to recommend the No Action Alternative because we concluded that the proposed Project (along with our recommendations) can be constructed with an acceptable level of environmental impact. The Commission will take our environmental conclusions into consideration when it decides whether or not to approve the Project.

IND23-15 See response to comment NAT4-3.

IND23-15  
(cont'd)

need to avoid analyses that are patently absurd. The public expects government to be rational, and work to solve problems effectively. This DEIS is the most extreme example of a DEIS that I have ever reviewed that fails to meet those expectations. It is within your power to give the American public cause for believing that their real world concerns are your concerns.

Sincerely,

s/Roger McManus

Roger E. McManus  
300 N. Indian House Road  
Tucson, Arizona 85711

# INDIVIDUALS

## IND24 – C. Benson Hufford

20131218-0009 FERC PDF (Unofficial) 12/18/2013



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ORIGINAL

December 12, 2013

Via U.S. Mail

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington D.C. 20426

**RE: Sierrita Lateral Pipeline Proposal (Docket Numbers CP13-73-000 and CP13-74-000)**

Dear Ms. Bose:

I am writing to voice my opposition to the proposal to construct and maintain a natural gas pipeline through the Altar Valley in southwestern Arizona. Our family has had the privilege and pleasure of spending time in the Altar Valley. We are personally familiar with its rugged beauty and the wildlife that exists there. For example, we have seen deer, golden eagles, red-tailed hawks, roadrunners, and other wildlife in the Valley. We also are familiar with ongoing efforts of Valley residents and ranchers to restore and conserve the grasslands and ecology of the valley.

IND24-1 The proposed pipeline will permanently adversely affect and damage the fragile ecology of the  
IND24-2 Valley and pose a threat to wildlife in the Valley. The pipeline will destroy many of the efforts  
being made to protect and preserve the Valley and its natural resources.

IND24-3 The corridor created by the pipeline will also create a totally unnecessary threat to the health and  
safety of Valley residents and visitors. Agent Roger San Martin, the patrol agent in charge of the  
Tucson Station for the U.S. Border Patrol, has stated in no uncertain words in a letter to you that  
"Creating a south to north road originating at the United States – Mexico border will  
undoubtedly lead to a considerable increase in alien and narcotics trafficking through the area."  
This expected criminal activity will pose a daily threat to the lives and security of all Valley  
residents and visitors. It will also thwart the ongoing efforts of Congress to secure the United  
States border with Mexico.

IND24-4 The Draft Environmental Impact Statement (DEIS) severely underestimates or brushes aside the  
harmful effects of a pipeline and associated construction on the welfare of the Valley residents  
IND24-5 and visitors and on the fragile desert ecology of the region. The DEIS also fails to consider  
possible alternative locations for the pipeline. It appears that those responsible for the DEIS

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REGULATORY COMMISSION

- IND24-1 The commenter's statement regarding impacting the ecology and wildlife is noted. Sections 4.3.2.5, 4.4.8, and 4.5.2 address Project-related impacts on water resources, vegetation, and wildlife, respectively.
- IND24-2 The commenter's statement regarding impacting efforts to protect and preserve the Altar Valley is noted. Section 4.4.2 identifies known vegetation monitoring or research tracts within 1 mile of the Project.
- Also see response to comment PM1-17.
- IND24-3 Section 4.9 addresses illegal immigration, drug trafficking, and unauthorized use of the right-of-way. The CBP participated as a cooperating agency in the preparation of the EIS. Specifically, section 4.9 was developed with the assistance of the U.S. Border Patrol, the law enforcement agency of the CBP, and represents the agencies' current stance on Project-related impacts.
- IND24-4 The commenter's statement regarding impacts on the desert ecology is noted. Sections 4.3.2.5, 4.4.8, 4.5.2, 4.5.4, 4.8.1.1, 4.8.4, 4.10.6, and 4.13.3 address water resources, vegetation, wildlife, hunting, land uses, special interest areas, ecotourism, and public safety, respectively, and acknowledge, where appropriate, the connections between resources.
- IND24-5 See response to comment PM1-6.

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Individual Comments

## IND24 – C. Benson Hufford (cont'd)

20131218-0009 FERC PDF (Unofficial) 12/18/2013

RE: Sierrita Lateral Pipeline Proposal (Docket Numbers CP13-73-000 and CP13-74-000)  
December 12, 2013  
Page 2 of 2

IND24-5  
(cont'd)  
IND24-6 | already had arrived at a predetermined result concerning the necessity for and location of the pipeline. The rest of the document is an attempt to rationalize or justify that predetermination. It is not clear from the DEIS that a sufficient justification for a pipeline to Mexico exists.

In conclusion, we urge the Commission to reject the Sierrita Lateral Pipeline proposal for the construction of a natural gas pipeline through the Altar Valley. Thank you for your time and attention.

Very Truly Yours,

/s/C. Benson Hufford  
C. Benson Hufford

CBH/kp

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IND24-6      See responses to comments PM1-4 and NAT4-1.

Z-460

# INDIVIDUALS

## IND25 – Thomas Gilliss

February 19, 2014

Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, DC 20426

Attention: Ms. Kimberly D. Bose, Secretary

Re: Sierrita Gas Pipeline LLC  
Docket Nos. CP13-73-000 and CP13-74-000

Proposed Re-routing of Portion of West Route  
Alternative for Sierrita Gas Pipeline Project

Dear Secretary Bose:

IND25-1

The purpose of this letter is to request that the Commission and its Staff give consideration to a re-routing of a portion of the West Route Alternative of the proposed Sierrita Gas Pipeline Project ("Project") so as to avoid directly and adversely impacting significant areas of the Santa Margarita Ranch ("SMR"), which includes acreage sometimes referred to as the Las Delicias Ranch and the Los Encinos Ranch in addition to SMR itself. The re-routing herein requested could be reflected in the forthcoming Supplemental DEIS and/or FEIS to be issued by the Commission for the Project.

The proposed re-routing is depicted in black dashes on the Kinder Morgan map attached to this letter as Appendix "A," which is incorporated herein by this reference. The currently proposed West Route Alternative for this portion of the Project is depicted with a continuous red line. In that regard, based upon a recent telephone conference between representatives of Sierrita and SMR, it is SMR's understanding that the re-routing herein proposed could add approximately 4-5 miles of pipeline to the Project. However, this proposed re-routing would (i) traverse less environmentally sensitive and less topographically challenging lands than the currently proposed West Route Alternative,<sup>1</sup> at a presumably lower per mile construction cost than the currently proposed alignment, and (ii) avoid traversing both Arizona State Land Department ("ASLD") trust acreage and SMR deed acreage in a manner which diagonally cuts across sections, thereby reducing the present and future value(s) of such lands.

In connection with the foregoing, and with further reference to the map attached hereto as Appendix "A," approximately 4 miles of the proposed Pipeline re-routing (H14-H18 on the

<sup>1</sup> For example, the proposed re-routing would avoid several prominent ridge lines.

IND25-1 Section 3.6.1 has been updated to include an analysis of the Santa Margarita Route Variation.

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Ms. Kimberly D. Bose, Secretary  
February 19, 2014  
Page 2 of 3

IND25-1  
(cont'd)

attached map) are next to State Highway 286. These are 4 miles that have already been surveyed culturally and physically; and, adoption of these 4 miles of the proposed re-routing would result in reduced disturbance in this area vis-à-vis the currently proposed West Route Alternative, inasmuch as construction and maintenance of State Highway 286 have already created an environmental disturbance. Further, there are already 2 existing track roads along all of the western boundary of the Buenos Aires National Wildlife Refuge depicted on the attached map. Accordingly, by placing Sierrita's proposed pipeline along these existing fence roads, further disturbance would be avoided in currently undisturbed or less disturbed areas. Clearly, the proposed re-routing herein suggested is environmentally much better than the currently proposed West Route Alternative.

Representatives of SMR originally explored the possibility of a re-routing of this nature with representatives of Sierrita a number of months ago, but were unable to reach an agreement at that time.<sup>2</sup> Earlier this month, representatives of SMR renewed discussion of the subject with representatives of Sierrita during the aforementioned recent telephone conversation. In that regard, the above-cited information as to added pipeline length was provided by those Sierrita representatives at that time.

It is SMR's understanding from comments made by the Commission's Staff at the December 14, 2014 public comment meeting in Sasabe, Arizona on the DEIS that FERC's EIS process is of an ongoing nature, and that public comment and suggestions may continue to be submitted. Accordingly, this letter and the re-routing of a portion of the West Route Alternative herein proposed are submitted against that background and in that spirit.<sup>3</sup> In that regard, SMR anticipates that Sierrita may submit written comments in response to this letter; and, it is conceivable such comments might occasion a reply by SMR.

SMR believes that consideration of this proposed re-routing of a portion of the West Route Alternative could be accommodated without a need to substantially re-open the EIS process for the Project. The only two (2) landowners who would be affected by the re-routing are ASLD, which has recently expressed a preference for the East Route Alternative,<sup>4</sup> and SMR. Further, SMR believes that the data is already available to identify and assess the lesser adverse environmental impacts of the suggested re-routing vis-à-vis the currently proposed West Route

<sup>2</sup> On a separate but related matter, it is SMR's understanding that (i) Sierrita and SMR have reached agreement on a smaller re-routing of a portion of the West Route Alternative, in order to avoid adversely impacting an existing wellhead and equipment on SMR's Las Delicias Ranch acreage, and (ii) Sierrita will soon be filing appropriate documents with the Commission requesting that this route change be reflected in the FEIS and accompanying maps. While SMR is pleased an agreement could be reached with Sierrita in this instance, this route change does not address nor satisfactorily resolve SMR's previously expressed concerns with respect to both of Sierrita's proposed pipeline route(s) in the Altar Valley, and the lack of an adequate analysis regarding alternative routes that would cross the US-Mexico international boundary at some location other than Sasabe, Arizona.

<sup>3</sup> In that regard, SMR realizes in retrospect that its comments on the DEIS did not include a discussion of the re-routing of a portion of the West Route Alternative which is the subject of this letter. Such omission was inadvertent, occasioned by SMR's substantial participation in the preparation of the Altar Valley Conservation Alliance's written comments on the DEIS for the Project; and, SMR hereby tenders its apology for such inadvertence and any resulting inconvenience.

<sup>4</sup> See ASLD's January 29, 2014 Comments on DEIS, at page 3 (Comment No. 9), as docketed with the Commission on February 5, 2014.

IND25 – Thomas Gilliss (cont'd)


Ms. Kimberly D. Bose, Secretary  
February 19, 2014  
Page 3 of 3

IND25-1  
(cont'd)

Alternative. In that regard, it is SMR's current understanding that there are no species or habitat in the area of the re-routing herein proposed which are unique to that area or would require special protection.

Thank you in advance for your consideration of the partial re-routing of the West Route Alternative which is the subject of this letter. Please let me know if you would like any additional information in that regard.

Respectfully submitted,

  
Santa Margarita Ranch, Inc.  
By: Thomas Gilliss, President

cc: Jeff C. Wright, Director, Office of Energy Projects (OEP)  
Lauren H. O'Donnell, Director, Division of Gas Environment & Engineering, OEP  
Francisco Tarin, Director, Regulatory Affairs, Sierrita Gas Pipeline LLC  
Ruben Ojeda, Manager Rights of Way Section, Arizona State Land Department

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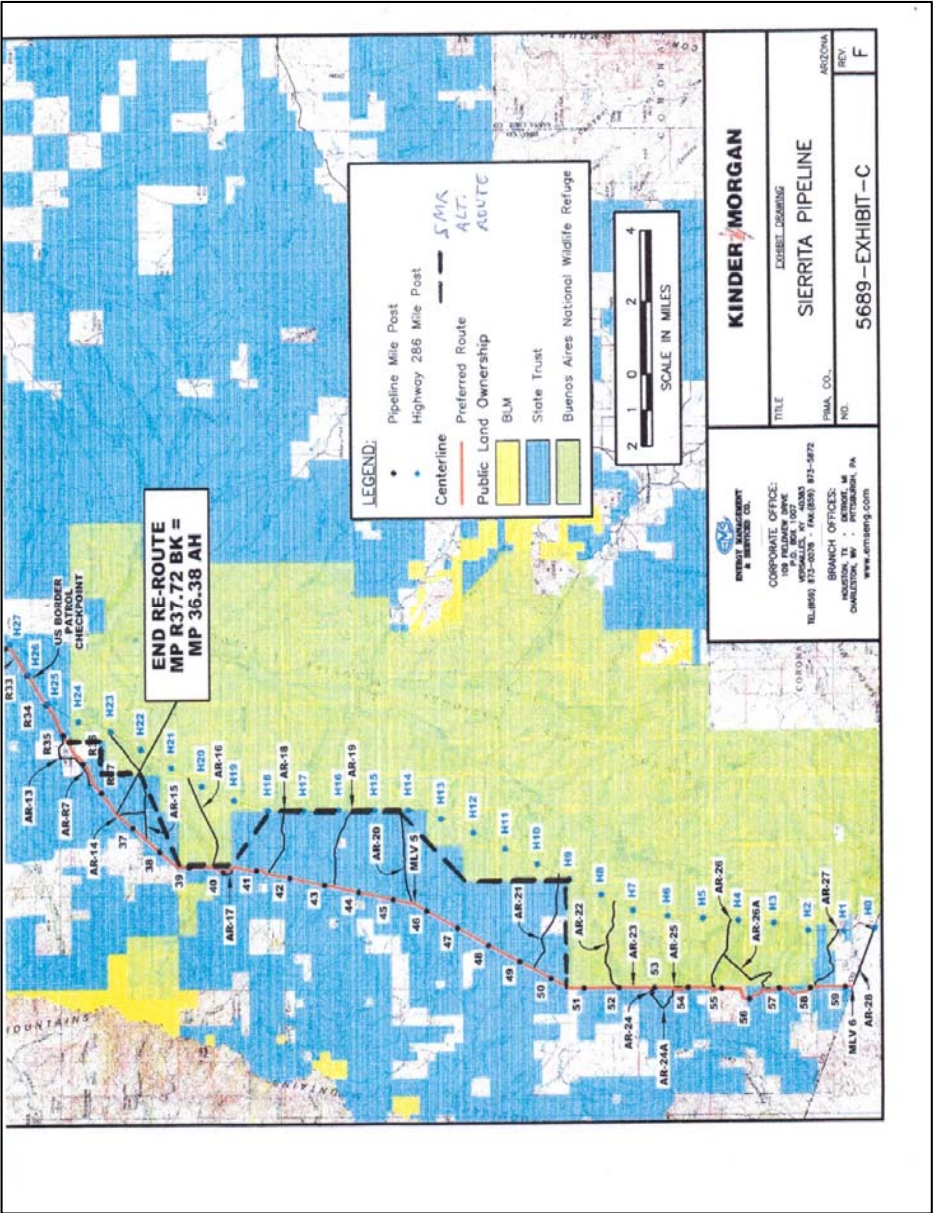
# Appendix A

February 19, 2014  
Santa Margarita Ranch Letter to  
FERC

Z-464



Z-465



**APPLICANT  
COMMENTS AND RESPONSES**

# APPLICANT

## A1 – Sierrita Gas Pipeline LLC



December 16, 2013

Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Attention: Ms. Kimberly D. Bose, Secretary

Re: Sierrita Gas Pipeline LLC;  
Docket No. CP13-73-000;  
Response to DEIS Conditions and Comments on DEIS

Commissioners:

Sierrita Gas Pipeline LLC ("Sierrita") is providing in Docket No. CP13-73-000, its responses to certain conditions of the Draft Environmental Impact Statement ("DEIS") for the proposed Sierrita Pipeline Project. In addition, Sierrita is also providing comments and clarifications to the DEIS.

### Description of Proceeding

On February 7, 2013, Sierrita submitted its application ("Application"), pursuant to Section 7(c) of the Natural Gas Act ("NGA"), requesting a certificate of public convenience and necessity authorizing the construction and operation of the Sierrita Pipeline Project located in Pima County, Arizona. Concurrently, Sierrita filed an application in Docket No. CP13-74-000, pursuant to Section 3 of the NGA, seeking a new presidential permit, authorizing the export of natural gas at a new international border crossing associated with the Sierrita Pipeline.

### Description of Information Being Filed

#### Response to DEIS Conditions

Sierrita is providing as Tab 1, its response to DEIS Condition Nos. 11 through 18, 20, and 22. The remaining conditions (Nos. 1 through 10, 19, 21, 23 and 24) in accordance with their pre-construction or post-construction requirements.

Z-466

## A1 – Sierrita Gas Pipeline LLC (cont'd)

Federal Energy  
Regulatory Commission

-2-

December 16, 2013

### Comments and Clarifications on DEIS

Sierrita is providing as Tab 2, a comment matrix on the DEIS. Sierrita's comments are generally limited to clarifications of statements in the DEIS.

### Filing Information

Sierrita is e-Filing this letter and attachments with the Commission's Secretary in accordance with the Commission's Order No. 703, *Filing Via the Internet*, guidelines issued on November 15, 2007 in Docket No. RM07-16-000. Sierrita is also providing copies of this filing to the OEP.

Respectfully submitted,

SIERRITA GAS PIPELINE LLC

By                     /s/                      
Francisco Tarin  
Director  
Regulatory Affairs

Attachments

Z-467

**A1 – Sierrita Gas Pipeline LLC (cont'd)**

**Certificate of Service**

I hereby certify that I have this day caused a copy of the foregoing documents to be served upon each person designated on the official service list compiled by the Commission's Secretary in this proceeding in accordance with the requirements of Section 385.2010 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure.

Dated at Colorado Springs, Colorado as of this 16<sup>th</sup> day of December 2013.

\_\_\_\_\_  
/s/

Francisco Tarin

P.O. Box 1087  
Colorado Springs, Colorado 80944  
(719) 667-7517

Z-468

Z-469

TAB 1	
Sierrita’s Responses to DEIS Conditions	

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
Docket No. CP13-73-000  
Sierrita Pipeline Project

11. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary revised versions of its Plan and Procedures that:

- a. address FERC staff's comments listed in appendix tables D-1 and E-1 of this draft EIS; and
- b. include measures to further protect topsoil piles from heavy rain, flash flooding, and wind erosion during construction in the monsoon season between June 15 and September 30. (sections 4.2.1.1 and 4.2.4)

RESPONSE:

A1-1 | a. The updated *Sierrita Upland Erosion Control, Revegetation, and Maintenance Plan (Sierrita's Plan)* and *Sierrita Wetland and Waterbody Construction and Mitigation Procedures (Sierrita's Procedures)* that include proposed modifications in bold, italicized text are attached as Appendix A. Sierrita has generally adopted FERC staff's comments to Sierrita's Plan and Sierrita's Procedures. For ease of comparison, responses to FERC staff's comments on the Plan and Procedures are summarized in Tables D-1 (Plan) and Tables D-2 (Procedures), also attached as Appendix A.

A1-2 | The recommendation for Section V.C.6 of Sierrita's Procedures was not directly adopted due to continued coordination with the Pima County RFCD and based on the completion of the detailed *Scour and Lateral Bank Migration Analysis* for the Project. Sierrita will restore the dry wash banks to preconstruction contours or to a stable angle of repose following measures developed in coordination with the Pima County RFCD. Additional measures such as the use of temporary and permanent erosion controls, placement of woody vegetation along the top of dry wash banks, and incorporation of a calcite additive into the backfill spoil will be used to facilitate the stabilization of dry wash banks. In addition, Sierrita completed a detailed *Scour and Lateral Bank Migration Analysis* for the Project in coordination with the Pima County RFCD that identified the minimum pipeline burial depth for safe pipeline operation at each dry wash crossing and 100-year flood conditions based on site-specific scour resistance characteristics, calculated scour depth, and lateral erosion distance. Implementing the restoration measures developed in coordination with the Pima County RFCD and constructing the pipeline in accordance with the burial depths and set-backs provided in the detailed *Scour and Lateral*

A1-1 | Sierrita's revised plan submittal is noted. Sierrita's revised Plan and Procedures are included as appendices E and F, respectively, of the final EIS.

A1-2 | Sierrita's proposed modification to the Plan and Procedures is noted and acceptable. Section 4.2.1.1 has been updated to discuss Sierrita's proposed modifications to FERC staff's Plan and Procedures.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
Docket No. CP13-73-000  
Sierrita Pipeline Project

A1-2  
(cont'd)

Bank Migration Analysis are anticipated to provide the erosion protection necessary for worst-case (100-year flood conditions) water flow. The text in Sierrita's Procedures would be revised to:

Unless otherwise specified by state permit, ***Sierrita will restore the dry wash banks following methods developed in coordination with the Pima County RFCD.***

A1-3

- b. Sierrita will adopt Condition 11b as requested. The Temporary Erosion Control measures provided in Section IV.F of Sierrita's Plan will be implemented during construction to limit erosion of trench spoil.

Section IV.B.4 has been revised to include the following measures: ***To maintain separation of topsoil and subsoil, Sierrita will clear approximately 25 percent of vegetation within the ROW during initial clearing activities. The remaining 75 percent of vegetation will be removed using a hydro axe prior to topsoil removal. The vegetation cleared using a hydro axe will be incorporated into the topsoil such that the cleared vegetation will serve as a mulch functional equivalent to reduce wind and water erosion potential and to protect topsoil piles from heavy rain, flash flooding, and wind erosion during construction and will further reduce erosion potential of the topsoil during restoration activities. In general, the topsoil piles will be exposed for no more than two months during construction. Certain exceptions would include aboveground facility locations, tie-in locations, and test manifold locations that may have topsoil exposed for nearly the duration of the construction.***

A1-3

Sierrita's proposed modification to the Plan and Procedures is noted and acceptable. Section 4.2.1.1 has been updated to discuss Sierrita's proposed modifications to FERC staff's Plan and Procedures.



## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
Docket No. CP13-73-000  
Sierrita Pipeline Project

12. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary a table listing by milepost ephemeral washes crossed by the Project that are also connected to and upstream of a wildlife/livestock tank. (section 4.3.2.6)

RESPONSE:

A1-4

Based on additional USFWS discussions, the USFWS advised that wildlife/livestock tanks may provide suitable habitat for the Chiricahua leopard frog and Mexican gartersnake during rain events, with both species being capable of traveling up to three miles during a rain event. Following this guidance, Sierrita identified 44 dry washes that are crossed by the Project and that are connected to and within approximately three miles upstream of a wildlife/livestock tank. These dry washes are listed in the table attached as Appendix B by milepost and distance from the edge of the proposed Project construction ROW.

A1-4

Sierrita's submittal of a table listing by milepost ephemeral washes crossed by the Project that are also connected to and upstream of a livestock tank is noted. A table listing these locations is included as appendix S of the final EIS.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
Docket No. CP13-73-000  
Sierrita Pipeline Project

13. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary the results of its geotechnical investigation at the proposed CAP Canal HDD crossing. Sierrita also shall file any revisions to the site-specific plan for the CAP Canal crossing as a result of this investigation. (section 4.3.2.6)

RESPONSE:

A1-5 | The Geotechnical Exploration Report summarizing the geotechnical investigation activities at the CAP Canal is provided as Appendix C. Based on the results of the geotechnical investigation, no revisions to the site-specific plan for the CAP Canal crossing are necessary.

A1-5 Sierrita's submittal of the Geotechnical Exploration Report is noted. Section 4.3.2.6 has been updated to address the report's findings.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
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14. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary the feasibility, including an environmental, economic, and engineering analysis, of adopting the HDD method to cross various riparian areas along the pipeline route. Examples of riparian areas to consider for analysis are:
- washes 103 through 107 (generally between access roads AR-R1 and AR-R2);
  - wash 142 through Little Thomas Wash (generally between access roads AR-17 and AR-18);
  - Aros Wash (generally between access roads AR-22 and AR-24);
  - washes 188 through 195 (generally between access roads AR-24A and AR-26); and
  - La Osa Wash (generally between access roads AR-27 and AR-28). (section 4.3.2.6)

RESPONSE:

A1-6

Sierrita evaluated the feasibility of crossing dry washes and associated riparian areas using the HDD method as a means of avoiding environmental impacts at dry wash crossings while providing a visual break to the cleared ROW to further impede access by unauthorized vehicles to the ROW. These dry washes were prioritized following a tiered approach by first considering environmental characteristics of the dry washes, followed by considerations of impediments to ROW access, then engineering and constructability factors, and finally economic feasibility of an HDD crossing. A summary of the environmental characteristics of the dry washes considered for the feasibility analysis are summarized in the table attached as Appendix D.

A total of 73 dry washes crossed by the Project are associated with areas previously designated as being connected to sensitive environmental features by the USFWS or the Pima County Regional Flood Control District (RFCD). Dry washes with the following characteristics were prioritized for further evaluation based on agency designations:

- » Located adjacent to or in proximity to riparian vegetation with an Important Riparian Area (IRA) or Hydriparian / mesoriparian (H) classification;
- » Connected to and upstream of a wildlife / livestock tank that may provide suitable habitat for the Chiricahua leopard frog and Mexican gartersnake during rain events; and

A1-6

Updates have been incorporated into section 4.3.2.6 of the final EIS.

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## A1 – Sierrita Gas Pipeline LLC (cont'd)

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A1-6  
(cont'd)

- » Suggested for consideration by FERC as listed in Condition 14 a. through e.

The Project ROW between MP 0.0 and approximately MP 26.0 is parallel to and visible from a roadway (i.e., Highways 86 and 286), therefore, providing visual break to the construction ROW through the use of HDD crossing method would not enhance the impediment of unauthorized vehicle access. Measures to impede access by unauthorized vehicles to the ROW will be implemented for the majority of the Project ROW where the ROW does not abut or run parallel to an existing road, generally from MP 26.0 to the end of the pipeline route. Of the 73 dry washes associated with areas previously designated as sensitive environmental features, 52 are located between MP 26.0 and the end of the pipeline route.

The 52 dry washes that are associated with areas previously designated as being connected to sensitive environmental features and that would also provide a visual break to impede unauthorized vehicle access were further evaluated based on the following engineering and constructability factors:

- » A reasonable minimum HDD length of 1,500 feet - The minimum constructible length for a 36-inch pipe is generally 1,500 feet based on bending and tensile stresses.
- » Absence of shallow bedrock (based on University of Arizona Institutional Repository Arizona Geospatial Data) - HDD through a shallow bedrock area significantly increases drill duration, required water volumes for drilling mud, additional drilling mud disposal areas, and additional costs (approximately \$1,300 per foot for an HDD).
- » Location within 500 feet of an existing access road that is capable of low-boys moving equipment without significant improvements to the road (e.g., widening and grading) - Construction of new access roads to access HDD crossings would result in additional temporary construction impacts for the Project.
- » Length of straight ROW equal to the length of the HDD beyond the HDD Exit to lay pipe for installation - If the ROW is not straight, additional "false ROW" (a cleared and graded area that would be used for stringing and welding and for the pipe to be pulled into the HDD hole) would be needed.
- » Availability of HDD Entry and Exit area ATWS (200-foot x 200-foot area).

Crossings of dry washes by HDD method would likely result in reduction of impacts to sensitive environmental resources at the specific dry wash crossing

## A1 – Sierrita Gas Pipeline LLC (cont'd)

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A1-6  
(cont'd)

location. These reductions of impacts could include avoidance of disturbance to the dry wash banks and riparian vegetation (where present) and could provide a visual break to the cleared ROW following construction. Impacts associated with the HDD crossing can be equal to the impacts that would be avoided at the crossing location, depending on the extent and configuration of the riparian area at the dry wash and in adjacent areas. For example, ATWS is required for the HDD equipment and pipeline stringing and welding activities near the HDD Exit location, and a false ROW may be required for construction, both of which could also be located in riparian or other sensitive areas. In addition to ATWS impacts, HDD crossings require significant amounts of water to prepare the drilling mud and the mud must also be disposed of once the drill is complete.

The engineering and constructability evaluations for the dry washes suggested for consideration by FERC as listed in Condition 14 a. through e. are summarized below.

#### **Dry Washes R103 through R107 (MP R26.4 to R27.6)**

- » An HDD crossing of Dry Washes R103 through R107 are not considered feasible for the following reasons:
  - The Project ROW is not a straight configuration, which would require an additional false ROW or an entirely new ROW for the distance of the HDD
  - The area has a high potential for cultural sites (the current route avoids one cultural site) in the area that would likely be used for a false ROW
  - Dry Wash R103 will be crossed without need for ATWS, which will reduce riparian impacts (see Response to FERC Condition 17)

#### **Dry Washes 142 through 145**

- » An HDD crossing of Dry Washes 142 through 145 are not considered feasible for the following reasons:
  - Dry Wash 142 is located parallel to and within the construction workspace and is not crossed by the Project centerline
  - The potential HDD entry and exit locations are greater than 500 feet from the nearest access road

#### **Little Thomas Wash (MP 40.6 to 41.0)**

- » An HDD crossing of Little Thomas Wash is not considered feasible for the following reasons:

## A1 – Sierrita Gas Pipeline LLC (cont'd)

A1-6  
(cont'd)

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- The Project ROW is not a straight configuration, which would require an additional false ROW or an entirely new ROW for the distance of the HDD
- The HDD does not meet the minimum HDD length (crossing would be 600 feet between points of inflection based on the current Project ROW configuration; 1,500 feet is the minimum feasible distance for an HDD)

**Aros Wash (Area Between AR-22 and AR-24)**

- » An HDD crossing of the Aros Wash, Dry Wash 184, and Dry Wash 185 is not considered feasible for the following reasons:
  - Access Road AR-23 parallels, abuts, and / or partially overlaps the construction work area along the length of the Project ROW between AR-22 and AR-24; AR-23 represents an existing disturbance within portions of the construction ROW, therefore impacts would not be minimized by using an HDD crossing
  - The ATWS will be reduced for crossing Aros Wash to 75 feet, which will reduce riparian impacts (see Response to FERC Condition 17)

**Dry Washes 186 through 195 (Area Between AR-24A and AR-26)**

- » An HDD crossing of Dry Washes 188 through 195 are not considered feasible for the following reasons:
  - The Project ROW near Dry Wash 188 is not a straight configuration, which would require an additional false ROW or an entirely new ROW for the distance of the HDD
  - Access Road AR-25 parallels, abuts, and / or partially overlaps the construction work area along the length of the Project ROW between AR-24A and AR-26; AR-25 represents an existing disturbance within portions of the construction ROW, therefore impacts would not be minimized by using an HDD crossing

**La Osa Wash**

- » An HDD crossing of La Osa Wash is not considered feasible for the following reasons:
  - The potential HDD Entry and Exit locations are greater than 500 feet from the nearest access road (AR-27 is located approximately 0.5 miles from La Osa Wash)

## A1 – Sierrita Gas Pipeline LLC (cont'd)

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A1-6  
(cont'd)

- The Project ROW is not a straight configuration, which would require an additional false ROW or an entirely new ROW for the distance of the HDD

**Area Between AR-27 and AR-28**

- » An HDD crossing of Dry Washes 207 and 208 (located between AR-27 and AR-28) are not considered feasible for the following reasons:
  - Located in a shallow bedrock area
  - Potential HDD entry and exit locations are greater than 500 feet from the nearest access roads
  - An HDD of Dry Wash 207 would not be a straight configuration, which would require an additional false ROW or an entirely new ROW for the distance of the HDD

A1-7

Of the remaining 28 dry washes, 11 are associated with riparian areas classified as IRA or H, 12 are connected to and upstream of a wildlife / livestock tank and five are associated with riparian areas classified as IRA or H and are connected to and upstream of a wildlife / livestock tank. The feasibility of crossing these dry washes using an HDD method were further evaluated based on the engineering and constructability factors previously described. Based on the engineering and constructability evaluation, HDD crossings of the remaining 28 dry washes were not considered feasible. The results of the engineering and constructability evaluations for these dry washes are summarized in the table attached as Appendix D. Sierrita notes that it committed to reducing impacts to riparian vegetation to the extent practicable to safely construct the Project (see Response to FERC Condition No. 17). Sierrita will also adopt FERC staff's recommendations to minimize impacts to dry washes connected to and upstream of a wildlife / livestock tanks (see Response to FERC Condition No. 12),

In addition to the environmental, visual break up, and engineering considerations for using HDD methods, the economic cost of an HDD is significantly greater than typical crossing methods and can be cost-prohibitive depending on the specific resource being considered for crossing. An HDD generally increases costs by \$120 per linear foot for use of heavier-walled pipe and abrasion-resistant coating and increases construction costs by approximately \$1,000 per linear foot for the length of each drill in non-bedrock areas near existing access roads. The minimum 1,500 foot long HDD would require \$100,000 for water use and HDD mud hauling and disposal. In addition, each HDD would require approximately \$500,000 for construction spread move-around costs. Collectively,

A1-7

Updates have been incorporated into section 4.3.2.6 of the final EIS.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

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A1-7  
(cont'd)

the minimum 1,500 foot HDD would add approximately \$2,280,000 per crossing to the overall construction costs.

Sierrita is committed to implementing construction measures to reduce construction impacts at dry washes to the extent practicable to safely construct the Project (see the Response to FERC Condition 17). Following construction, Sierrita will implement the restoration measures for the entire Project ROW as provided in *Sierrita's Plan*, *Sierrita's Procedures*, and the *Project Reclamation Plan*. These measures include seeding, transplanting PPC, saguaro cacti, and agave species, as well as moving woody vegetation back to the ROW, roughening portions of the ROW to impede unauthorized vehicle access (from MP 26.0 to the end of the Project route), monitoring reclamation of the ROW, and implementing adaptive management to re-establish the environmental and visual conditions along the ROW following construction. In addition, Sierrita will provide mitigation fees to off-set impacts to PPC habitat, riparian vegetation, saguaro cacti, and Arizona State Lands for native plant removal and stumpage fees. These mitigation fees could be used by respective agencies to further benefit the environmental and visual conditions within the Altar Valley.



## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
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15. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary a revised *Reclamation Plan* and *Post-Construction Vegetation Monitoring Document* that identify:
- a. the seed mix and seeding requirements for the seeding methodology it will adopt by milepost (i.e., aerial seeding, broadcast seeding, hydroseeding, or drill seeding); and
  - b. the time period(s) Sierrita will conduct seeding (e.g., close to the monsoon period and winter rains) as identified through consultations with the FWS, NRCS, and land managing agency. (section 4.4.8.2).

RESPONSE:

A1-8

- a. Drill seeding is proposed between MP 0.0 and MP 26.0 where the pipeline ROW is generally parallel to and visible from existing highways (e.g., Highway 86 and Highway 286) and areas from MP 26.0 to the end of the Project ROW that are parallel to and visible from a roadway. These portions of the Project ROW will be recontoured to blend with the surrounding landscape following construction and would therefore be accessible for drill seeding. The Pure Live Seed (PLS) seeding rate where drill seeding will occur will be as shown in Table 6-2 of the updated *Sierrita Reclamation Plan* provided as Appendix E.

The Project ROW south of MP 26.0 will be roughened following construction (with the exception of the ROW between MP R32.2 and MP R33.9 that is parallel to Highway 286) as a measure to impede access by unauthorized vehicles to the ROW. Because the Project ROW would be made inaccessible for vehicles, seeding will be performed either by broadcast or aerial methods. The PLS seeding rate for broadcast or aerial methods will be double that of drill seeding.

A summary by milepost of the proposed seed mixture, seeding method, and anticipated seeding schedule for the Project is provided in Table 6-3 of the updated *Sierrita Reclamation Plan*.

A1-9

- b. Based on the current construction plan, construction on the northern portion of the Project should be completed before the end of monsoon season. Seeding would occur following final clean-up between MP 0.0 and MP 26.0 and should also be completed before the end of the monsoon season. However, if construction is not completed before the end of the monsoon season (e.g., due to construction delays), then seeding for this

A1-8

Sierrita's clarification of seeding method and mixture included in its revised *Reclamation Plan* is noted. Section 4.4.8.2 has been updated to discuss Sierrita's seeding methods and schedule. Sierrita's revised *Reclamation Plan* is included as appendix G of the final EIS.

A1-9

Sierrita's clarification of the anticipated seeding schedule is noted. Section 4.4.8.2 has been updated to discuss Sierrita's seeding methods and schedule.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

### SIERRITA GAS PIPELINE LLC Responses to FERC Draft EIS Conditions

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A1-9  
(cont'd)

portion of the Project ROW will occur before the end of the winter rain season.

Based on the current construction plan, the remainder of the Project should be constructed before the end of the winter rain season. Seeding would be performed either by broadcast or aerial methods from MP 26.0 to MP 59.2 following recountoring and ROW-roughening activities and should be completed before the end of the winter rain season.

Correspondence with the NRCS Tucson Field Office and USFWS regarding the seeding periods are provided as attachments in Appendix E.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
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16. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary a revised *Post-Construction Vegetation Monitoring Document* that includes:
- a. a commitment to monitor riparian areas (including woody riparian vegetation) for revegetation after construction as well as a description of the monitoring procedures and the criteria for identifying where the monitoring procedures will be implemented;
  - b. a clarification that Sierrita will salvage saguaro cacti without arms that are less than 9 feet tall and Palmer's agave; and
  - c. a clarification that Sierrita will confirm survivability of transplanted saguaro cactus and Palmer's agave after the second growing season and will continue to monitor transplanted plants over a 5-year period. (section 4.4.8.2)

RESPONSE:

- |       |  |
|-------|--|
| A1-10 | a Monitoring procedures referenced in the <i>Post-Construction Vegetation Monitoring Document</i> would apply to all vegetation in riparian areas. In order to ensure that monitoring plots will be located in riparian areas, a stratified random approach has been incorporated whereby 10 random plots will be established in riparian areas in addition to the 20 random plots to be established in non-riparian upland areas. The <i>Post-Construction Vegetation Monitoring Document</i> provided as Appendix F to this response has been updated to include the stratified random approach. |
| A1-11 | b Sierrita would transplant PPC, Palmer's agaves, and saguaro cacti (less than nine feet tall and without arms) that cannot be avoided during construction. In addition, Sierrita will assess approximately 50 percent of the remaining agave species and will transplant healthy and viable agave (approximately 30 percent) off of the ROW but within the 300-foot survey corridor. Sierrita would not be required to report on or monitor these transplanted agave based on discussions with the USFWS.   |
| A1-12 | c Sierrita would replace all Palmer's agaves and all saguaros that cannot be avoided or transplanted during construction. Sierrita would supplement with nursery stock at a 3:1 ratio to obtain an overall 1:1 survivability ratio or no net loss. Survivability would be confirmed after the second growing season. Sierrita would continue to monitor transplanted plants over a 5-year period.  |

- |       |  |
|-------|--|
| A1-10 | Sierrita's clarification of monitoring procedures at all vegetation in riparian areas included in its revised <i>Post-Construction Vegetation Monitoring Document</i> is noted. Sierrita's revised <i>Post-Construction Vegetation Monitoring Document</i> is included as appendix H of the final EIS. |
| A1-11 | Sierrita's clarification of cacti salvaging included in its revised <i>Post-Construction Vegetation Monitoring Document</i> is noted.  |
| A1-12 | Sierrita's clarification of cacti replacement and survivability criteria included in its revised <i>Post-Construction Vegetation Monitoring Document</i> is noted.   |

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
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17. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary:

- a. site-specific justification for each waterbody (including ephemeral washes) and associated riparian area where the construction right-of-way would be greater than 75 feet wide;
- b. site-specific justification for each waterbody (including ephemeral washes) and associated riparian area where the ATWS would be less than 50 feet from the banks; and
- c. revised alignment sheets that show any changes resulting from items a. and b. above. (section 4.4.8.2)

RESPONSE:

A1-13

- a. Sierrita's consultant, AMEC Environment and Infrastructure, Inc., completed a detailed *Scour and Lateral Bank Migration Analysis* (AMEC Report) for the Project based on an approach developed in coordination with the Pima County Regional Flood Control District (RFCD). The detailed analysis identified the minimum pipeline burial depth for safe pipeline operation at each dry wash crossing assuming 100-year flood conditions based on site-specific scour resistance characteristics, calculated scour depth, and lateral erosion distance. The detailed analysis was performed in an effort to identify dry washes for which the construction ROW could be reduced and ATWS setbacks could be increased to minimize impacts to riparian areas while maintaining a safe pipeline burial depth. The Pima County RFCD supported the detailed analysis effort and agreed that the greater level of detail that would be provided by analyzing each dry wash crossing (rather than using default Pima County RFCD criteria) would be beneficial for the design of the Project.

In order to identify the minimum crossing width for each dry wash crossed by the Project, the necessary trench depth for safe pipeline burial identified through the AMEC Report was used to calculate the workspace area necessary for trench spoil stockpiling. The workspace area requirements were determined by considering the required burial depth at a given dry wash crossing, the top of trench width (assuming characteristics for sandy soils), calculated volume of trench spoil per linear

A1-13

Updates have been incorporated into section 4.3.2.6 of the final EIS.

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## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
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A1-13  
(cont'd)

foot, length of the dry wash crossing (including lateral migration)<sup>1</sup>, and configuration of the construction work area necessary for safe construction. The Pima County RFCD requires that the pipeline scour depth in the dry wash be maintained through the calculated lateral migration distance (setback) from each of the dry wash banks.

In addition, the AMEC Report identified additional floodplains that, although not jurisdictional under the US Army Corps of Engineers, are jurisdictional under the RFCD. Some of these floodplains have estimated trench depths that require additional temporary workspace (ATWS). These floodplains have been identified with an "AMEC-FP--" numerical designation in the crossing justification table (attached as Appendix H) as well as on the revised alignment sheets (attached as Appendix I).

Based on this analysis, the following workspace guidelines were developed for dry wash crossings:

- » Dry washes requiring a trench depth equal to or less than 9.5 feet would require no more than 100 feet of construction ROW and would therefore not require ATWS
- » Dry washes requiring a trench depth greater than 9.5 feet and less than 11.5 feet would require no more than 130 feet of construction ROW
- » Dry washes requiring a trench depth greater than 11.5 feet would require no more than 150 feet of construction ROW

Site-specific justifications for each dry wash and floodplain crossings that would be greater than 75 feet wide are provided in the table attached as Appendix H.

Following an approach developed with the Pima County RFCD, the Project route will be staked as shown on the Project alignment sheets. At a minimum, dry wash crossings that are proposed for a 150-foot wide construction ROW will be assessed by digging a test trench prior to full clearing. An on-site hydrogeologist will determine if the dry wash crossing construction ROW width can be reduced based on soil conditions. In areas where the soil conditions allow (e.g., where the on-site hydrogeologist determines that soils are more cohesive and do not require an approximate 1:1 trench for safe construction operations), the Project

<sup>1</sup> Lateral migration is the potential movement of dry wash banks as a result of a 100-year flood.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
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A1-13  
(cont'd)

construction ROW will be narrowed and re-staked, and full clearing would only occur within the narrowed construction work area.

A1-14

- b. Please see the response to a. above regarding the justification for the Project construction ROW width and measures Sierrita will implement to reduce Project construction impacts. In cases where ATWS is required following the workspace guidelines provided in response to a. above, ATWS would be located immediately adjacent to the given dry wash top of bank. Pima County RFCD setback requirements for dry wash lateral migration directly affect the amount of soil stockpiling needed. The Pima County RFCD requires the pipeline burial depth at a given dry wash crossing to be maintained back from the dry wash banks a certain distance (from 20 feet up to 135 feet) to account for potential dry wash lateral migration. Therefore, the depth of the trench at the dry wash crossing would be extended into and beyond the existing dry wash banks. The volume of spoil and resulting trench spoil stockpile area necessary to comply with the Pima County RFCD requirements (while also maintaining safe construction conditions) necessitates that ATWS be located immediately adjacent to the given dry wash top of bank.

Site-specific justifications for each dry wash and riparian area crossing where the ATWS setback would be less than 50 feet from the dry wash bank are also provided in the table attached as Appendix H.

A1-15

- c. Changes to the Project ROW and ATWS as a result of items a. and b. above have been incorporated into the revised Project Alignment Sheets provided as Appendix I.

A1-14 Updates have been incorporated into section 4.3.2.6 of the final EIS.

A1-15 Updates reflected in the alignment sheets have been incorporated into the final EIS.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
Responses to FERC Draft EIS Conditions  
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18. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary a description of how it will access the permanent right-of-way for noxious weed control, vegetation monitoring, and maintenance in areas that have been restored to discourage the unauthorized use of the right-of-way. (section 4.4.9)

RESPONSE:

A1-16

Sierrita will utilize Project access roads to travel to and from the permanent Project ROW as in-kind use following construction. All Project access roads are existing roads; no new roads will be constructed as part of the Project. Noxious weed control, vegetation monitoring, and general maintenance activities will be performed within the ROW by pedestrian means. Vehicle use along the permanent ROW is not anticipated for monitoring or general maintenance activities following final restoration and clean-up. Should Sierrita need to access the ROW for an inspection or repair of a specific location along the pipeline, that action would be permitted separately with appropriate agencies and the ROW would be accessed utilizing the nearest access road. Following inspection and repair, the ROW would be restored using the restoration methods provided in Sierrita's *Reclamation Plan*.

A1-16

Sierrita's clarification of how it would access the right-of-way for noxious weed control, vegetation monitoring, and maintenance activities is noted. Section 4.4.9 has been updated to discuss these activities and how they would be accomplished.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
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20. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary a list by milepost identifying where it proposes to implement the use of 20 feet of uncleared extra construction right-of-way to place woody vegetation. Sierrita shall also:
- identify the acreage and land use(s) affected by these areas;
  - verify that these areas have been surveyed for biological and cultural resources;
  - verify that sensitive resources (e.g., cultural resources sites, waterbodies, threatened and endangered species) will not be affected; and
  - identify any new landowners affected. (section 4.8.1.1)

RESPONSE:

- |       |  |
|-------|--|
| A1-17 | <p>a. Sierrita proposes to use an additional 20 feet of extra construction area on the spoil (east) side of the 100-foot-wide construction ROW to stockpile approximately 25 percent of the woody vegetation removed during clearing activities. The extra construction area would not be cleared or graded and will be located in areas containing woody vegetation, without PPC, saguaro cacti, Palmer's agaves, or cultural resources. The beginning and ending milepost for each of the extra construction areas are provided in the table attached as Appendix J.</p> <p>The proposed additional 20 feet of extra construction area represents the maximum area necessary to stockpile the woody vegetation. The total impacts associated with the extra construction area would be up to 44 acres.</p> |
| A1-18 | <p>b. Sierrita verifies that these extra construction areas have been surveyed for biological and cultural resources. Biological and cultural resources surveys have been conducted for an area extending approximately 150 feet from both sides of the Project centerline. The additional 20 feet of extra construction areas proposed to be used to stockpile woody vegetation is included within this surveyed area.</p>  |
| A1-19 | <p>c. Sierrita verifies that sensitive resources will not be affected. The extra construction areas have been sited to avoid sensitive resources (e.g., cultural resources sites, dry washes, PPC, saguaro cacti, agaves).</p>   |

- |       |  |
|-------|--|
| A1-17 | <p>Sierrita's list of 20 feet of extra construction work area to stockpile woody vegetation during construction is noted. A table listing these locations is included as appendix C of the final EIS. Tables 4.4.8-1 and 4.8.1-1 have been updated to include the impacts associated with these areas.</p> |
| A1-18 | <p>Sierrita's clarification of biological and cultural surveys of the 20 feet of extra construction work area is noted.</p>  |
| A1-19 | <p>Sierrita's clarification that it would avoid sensitive resources during use of the 20 feet of extra construction work area is noted.</p>  |



A1 – Sierrita Gas Pipeline LLC (cont’d)

<div>SIERRITA GAS PIPELINE LLC Responses to FERC Draft EIS Conditions Docket No. CP13-73-000 Sierrita Pipeline Project</div>	
A1-20	d. No new landowners would be affected by the addition of the extra construction areas shown in the table attached as Appendix J.
19	

A1-20 Sierrita’s clarification that no new landowners would be affected by the 20 feet of extra construction work area is noted.

Z-488

## A1 – Sierrita Gas Pipeline LLC (cont'd)

SIERRITA GAS PIPELINE LLC  
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Docket No. CP13-73-000  
Sierrita Pipeline Project

22. **Prior to the close of the draft EIS comment period**, Sierrita shall file with the Secretary a write-up describing the criteria for and sequential timing of each type of restoration measure to be installed during construction. The write-up shall address backfilling and final grading (e.g., subsoil and topsoil replacement); revegetation measures (e.g., seeding, planting, transplanting); installation of deterrents to the unauthorized use of the right-of-way (e.g., dirt/rock berms, log barriers, signs, locked gates, mounds/depressions); and placement of permanent erosion control devices (e.g., slope breakers, rock armor/riprap). (section 4.9.2)

RESPONSE:

- A1-21 | The Project ROW between MP 0.0 and approximately MP 26.0 is parallel to and visible from a roadway (i.e., Highways 86 and 286), therefore, ROW inaccessibility measures are generally not necessary in these locations and Sierrita will implement typical restoration measures for this portion of the Project.
- Measures to impede access by unauthorized vehicles to the ROW will be implemented for the Project ROW from MP 26.0 to the end of the Project route (with the exception of the ROW between MP R32.2 and MP R33.9 that is parallel to Highway 286), which will require a modified approach for restoration measures. The criteria and sequential timing of each type of restoration measure to be installed are provided in the table attached as Appendix K. Descriptions of the specific restoration measures, including the installation of deterrents to unauthorized vehicle access to the ROW, are provided in the updated *Reclamation Plan* provided as Appendix E.

- A1-21 | Sierrita's list of the criteria and sequential timing of each type of restoration measure to be installed during construction is noted. Section 4.9.2 has been updated to include this information.

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TAB 2	
Sierrita’s DEIS Comment and Clarification Matrix	

## A1 – Sierrita Gas Pipeline LLC (cont'd)

Z-491

Sierrita Comments on the Draft EIS				
Subject	Section	Page	Citation	Sierrita Comment / Clarification
A1-22 Permits, Approvals, and Regulatory Requirements	1.5	1-16	The COE may issue an individual permit or a nationwide permit for individual permit or a authorization under the natural gas pipelines that affect wetlands. A nationwide permit is a Nationwide Permit Program for the discharge of dredge or fill material into waters of the United States, general permit designed to authorize certain activities that have minimal adverse effects to the aquatic environment and generally including wetlands. Although the Project would not comply with the related laws cited in 33 CFR 320.3. However, because the Project would not affect wetlands, Sierrita would still need to obtain a permit or authorization under Section 4040 of the Clean Water Act for temporary impacts to jurisdictional ephemeral waterbodies (dry washes).	
A1-23 Alternatives	3.5.2	3-14	Nogales West Alternative. Sierrita did not provide information to support whether the Nogales West Route Alternative would be economically feasible.	The total length of the alternative route is 101.2 miles. The increased length of this alternative (approximately 41 miles longer than the current Project route) would add approximately \$139M to the total cost of the project. Any increase in overall pipeline length will result in a delivery pressure drop at the international border and would require that compression be added to meet the minimum contractual flow pressure to Gasoducto de Agua Prieta and CFE at Puerto Libertad. The estimated cost for adding compression for the Nogales West Alternative is \$21M. The additional estimated costs (approximately \$160M) for constructing the pipeline and adding compression make the Nogales West Alternative economically infeasible.

A1-22 Section 1.5 has been updated to correct this error. Sierrita filed a preliminary jurisdictional determination with the COE on September 30, 2013, and is currently awaiting the results of the COE's determination. Sierrita anticipates receipt of COE authorization in April 2014.

A1-23 Section 3.5.2 has been updated to include the costs associated with the Nogales West Alternative.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

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Sierrita Comments on the Draft EIS				
Subject	Section	Page	Citation	Sierrita Comment / Clarification
A1-24  Alternatives	3.5.3	3-14	Nogales East Alternative. Sierrita did not provide information to support whether the Nogales East Route Alternative would be economically feasible.	The total length of the Nogales East Alternative is 91.8 miles. The increased length of this alternative (approximately 32 miles longer than the current Project route) would add approximately \$109M to the total cost of the project. Any increase in overall pipeline length will result in a delivery pressure drop at the international border and would require that compression be added to meet the minimum contractual flow pressure to Gasoducto de Agua Prieta and CFE at Puerto Libertad. The estimated cost for adding compression for the Nogales East Alternative is \$21M. The additional estimated costs (approximately \$130M) for constructing the pipeline and adding compression make the Nogales East Alternative economically infeasible.
A1-25  Alternatives	3.5.4	3-19	Willcox Lateral Route Alternative. Sierrita did not provide information to support whether the Willcox Lateral Route Alternative would be economically feasible.	The total length of the Willcox Lateral Route Alternative is 171.4 miles. The increased length of this alternative (approximately 111 miles longer than the current Project route) would add approximately \$377M to the total cost of the project. Any increase in overall pipeline length will result in a delivery pressure drop at the international border and would require that compression be added to meet the minimum contractual flow pressure to Gasoducto de Agua Prieta and CFE at Puerto Libertad. The estimated cost for adding compression for the Willcox Lateral Route Alternative is \$19M. The additional estimated costs (approximately \$396M) for constructing the pipeline and adding compression make the Willcox Lateral Route Alternative economically infeasible.

A1-24      Section 3.5.3 has been updated to include the costs associated with the Nogales East Alternative.

A1-25      Section 3.5.4 has been updated to include the costs associated with the Wilcox Lateral Route Alternative.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

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Sierrita Comments on the Draft EIS				
Subject	Section	Page	Citation	Sierrita Comment / Clarification
A1-26  Alternatives	3.5.5	3-20	Yuma Lateral Route Alternative. Sierrita did not provide information to support whether the Yuma Lateral Route Alternative would be economically feasible.	The total length of the Yuma Lateral Route Alternative is 264.2 miles. The increased length of this alternative (approximately 204 miles longer than the current Project route) would add approximately \$694M to the total cost of the project. Any increase in overall pipeline length will result in a delivery pressure drop at the international border and would require that compression be added to meet the minimum contractual flow pressure to Gasoducto de Agua Prieta and CFE at Puerto Libertad. The estimated cost for adding compression for the Yuma Lateral Route Alternative is \$25M. The additional estimated costs (approximately \$719M) for constructing the pipeline and adding compression make the Yuma Lateral Route Alternative economically infeasible.
A1-27  Alternatives	3.5.6	3-25	Alternative description.	The total length of the Tohono O'odham Route Alternative is 86.0 miles. However, as described on page 17 of Sierrita's May 24, 2013 data request, the Tohono O'odham Route Alternative will also require new compression. This should be reflected in the description of route alternative in Section 3.5.6 of the DEIS.
A1-28  Alternatives	3.5.6	3-25	Tohono O'odham Route Alternative. Sierrita did not provide information to support whether the Tohono O'odham Route Alternative would be economically feasible.	The total length of the Tohono O'odham Route Alternative is 86.0 miles. The increased length of this alternative (approximately 26 miles longer than the current Project route) The estimated cost for adding compression for the Tohono O'odham Lateral Route Alternative is \$19M. The additional estimated costs (approximately \$107M) for constructing the pipeline make the Tohono O'odham Route Alternative economically infeasible.

A1-26 Section 3.5.5 has been updated to include the costs associated with the Yuma Lateral Route Alternative.

A1-27 Section 3.5.6 has been updated to clarify that the Tohono O'odham Route Alternative would require new compression.

A1-28 Section 3.5.6 has been updated to include the costs associated with the Tohono O'odham Route Alternative.

## A1 – Sierrita Gas Pipeline LLC (cont'd)

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Sierrita Comments on the Draft EIS				
	Subject	Section	Page	Citation
A1-29	Alternatives	3.5.7	3-25	<p>Lukeville East Route Alternative. Sierrita did not provide information to support whether the Lukeville East Route Alternative would be economically feasible.</p>
A1-30	Alternatives	3.5.8	3-28	<p>Lukeville West Route Alternative. Sierrita did not provide information to support whether the Lukeville West Route Alternative would be economically feasible.</p>
A1-31	Water Resources	4.3.2.6	4-38	<p>Waterbody Construction Procedures and Mitigation. Sierrita would avoid installing the pipeline across dry washes during periods of anticipated significant rainfall.</p>

A1-29 Section 3.5.7 has been updated to include the costs associated with the Lukeville East Route Alternative.

A1-30 Section 3.5.8 has been updated to include the costs associated with the Lukeville West Route Alternative.

A1-31 Section 4.3.2.6 has been updated to reflect that Sierrita would avoid installing the pipeline across dry washes during periods of anticipated *significant* rainfall.

**Applicant Comments**

## A1 – Sierrita Gas Pipeline LLC (cont'd)

Z-495

Sierrita Comments on the Draft EIS				
	Subject	Section	Page	Citation
A1-32	Vegetation	4.4.9	4-72	Operation Impacts. With the exception of a corridor centered on the pipeline and up to 10 feet wide that [would] be cleared and maintained in an herbaceous state annually to facilitate periodic corrosion/leak surveys, full right-of-way mowing or clearing may not be done more frequently than every 3 years. Large brush may be selectively removed, and trees that are within 15 feet of the pipeline that have roots that could compromise the integrity of the pipeline may also be cut and removed.
A1-33	Vegetation	4.4.9	4-72	Operation Impacts. Local agencies have noted, however, that grasses may grow substantially following the monsoon season, resulting in the need to conduct right-of-way mowing.
A1-34	Vegetation	4.4.9	4-72	Operation Impacts. The loss of shrub vegetation along the pipeline route as a result of periodic vegetation maintenance would result in habitat fragmentation, reduction of wildlife habitat quality, and subsequent wildlife habitat loss.
A1-35	Wildlife	4.5	-	Baseline data.
A1-36	Wildlife	4.5.7	4-99	Raptors and Migratory Birds. While the Project would not result in population-level impacts on migratory bird species, it is acknowledged that pipeline construction during the migratory bird breeding season could impact individual birds and/or nests, and have a greater impact on Birds of Conservation Concern due to their limited populations in the area.

- A1-32 Sections 2.6.1.2 and 4.4.9 have been updated to clarify that trees within 15 feet [in accordance with section V.D.1 of Sierrita's Plan] of the pipeline centerline with roots that could compromise the integrity of the pipeline or may interfere with periodic corrosion/leak surveys may be selectively removed. Shrub, cacti, and herbaceous vegetation would be maintained within the right-of-way, and full right-of-way mowing or clearing is not planned or anticipated.
- A1-33 Sections 2.6.1.2 and 4.4.9 have been updated.
- A1-34 Sections 2.6.1.2 and 4.4.9 have been updated.
- A1-35 Section 4.5 has been updated to clarify that baseline data provided by Sierrita for all species were collected in 2012 and 2013, prior to the publication of the draft EIS. Sierrita would supplement these baseline data with pre-construction survey data, such as those for migratory birds (including raptors).
- A1-36 Sierrita's comment regarding mitigation measures and impacts on raptors and migratory birds is noted. We agree with Sierrita's statement. Therefore, section 4.5.7 has been updated to note that implementation of Sierrita's mitigation measures are expected to minimize Project-related impacts on raptors and other migratory birds.



## A1 – Sierrita Gas Pipeline LLC (cont'd)

Z-496

Sierrita Comments on the Draft EIS				
Subject	Section	Page	Citation	Sierrita Comment / Clarification
A1-37 Wildlife	4.7.1.4	-	Species-specific surveys	Council on Environmental Quality (CEQ) regulations state that the NEPA analysis should be based on best available scientific information (40 CFR 1500); exhaustive studies are not required. Surveys for some species would not yield any additional information pertinent to the analysis and in some cases could be more detrimental to the species than the project activities. Species specific surveys were not necessary for lesser long-nosed bat, jaguar, Chiricahua leopard frog, masked bobwhite quail, Sonoran desert tortoise, and the northern Mexican gartersnake because best available scientific information regarding these species was available to be able to conduct the impacts analyses necessary under ESA compliance and NEPA. That surveys for these species were not warranted was confirmed by the USFWS during early discussions regarding the presence or absence of each of these species for inclusion into the biological assessment and evident by the lack of request for additional information in the USFWS letters dated November 2012 and January 2013.
A1-38 Wildlife	Table 4.7.1-1	4-103	Cactus ferruginous pygmy-owl. Sierrita conducted field studies in 2012 and 2013 to identify nesting sites, and observed two individuals in the Project area during the 2013 surveys.	Sierrita recommends that clarification be added to note that the CFPOs were observed approximately 350 meters outside of the Project area.
A1-39 Wildlife	4.7.1.3	4-116	SWPPP Plan	Per Sierrita's phone conversation with ADEQ Stormwater and General Permits Unit, on July 2, 2013, the oil and oil and gas exemption (as established by the Energy Policy Act of 2005) applies to NPDES construction stormwater programs, and therefore oil and gas construction activities are conditionally exempt from permitting under AZG2013-001. A Stormwater Pollution Prevention Plan is not required.

A1-37 Sierrita's comment regarding species-specific surveys for threatened and endangered species is noted.

A1-38 Table 4.7.1-1 and section 4.7.18 have been updated to note that the cactus ferruginous pygmy-owls were observed approximately 350 meters outside of the Project area.

A1-39 References to a Stormwater Pollution Prevention Plan have been removed from the EIS based on the oil and gas exemption.

A1 – Sierrita Gas Pipeline LLC (cont’d)

Sierrita Comments on the Draft EIS				
Subject	Section	Page	Citation	Sierrita Comment / Clarification
Wildlife	4.7.1.5	4-122	Pima Pineapple Cactus. Prior to construction, Sierrita should: a. Consult with the FWS to develop a plan for transplanting and monitoring Pima pineapple cacti directly impacted by construction. The plan does not need to include survivability requirements; and b. file with the Secretary for review and written approval by the Director of the OEP a Pima Pineapple Cactus Transplanting and Monitoring Plan.	Sierrita has coordinated with the USFWS to develop an approach for transplanting and monitoring Pima pineapple cacti (PPC). Sierrita and the USFWS determined that information regarding the PPC transplanting protocols would be included in the Reclamation Plan and the Post-Construction Vegetation Monitoring Document rather than preparing a separate document. Sierrita has modified its Reclamation Plan and the Post-Construction Vegetation Monitoring Document accordingly and filed them with the Secretary as part of Sierrita's responses to conditions outlined in Section 5 of the DEIS.

A1-40 Sierrita’s comment regarding including Pima pineapple cacti monitoring and transplanting protocols in its *Reclamation Plan* and *Post-Construction Vegetation Monitoring Document* (versus providing a separate plan) is noted.

## **APPENDIX AA**

### **SUBJECT INDEX**

## APPENDIX AA

### SUBJECT INDEX

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